

PUBLIC MEETING  
STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

WORKING GROUP MEMBERS

Ms. Linda S. Adams, Chairperson, CalEPA Secretary

Mr. Sean Walsh, Director, Governor's Office of Planning and Research, represented by Mr. John Fillmore, Deputy Director

Dr. Robert F. Sawyer, Chairperson, Air Resources Board, represented by Ms. Lynn Terry, Deputy Executive Officer

Ms. Margo Reid Brown, Chairperson, California Integrated Waste Management Board, represented by Mr. Mark Leary, Executive Director

Ms. Tam Doduc, Chairperson, State Water Resources Control Board

Mr. Mary-Ann Warmerdam, Director, Department of Pesticide Regulation

Ms. Maureen F. Gorsen, Director, Department of Toxic Substances Control

Dr. Joan E. Denton, Director, Office of Environmental Health Hazard Assessment, also represented by Mr. Val Siebal, Chief Deputy Director

STAFF

Mr. Ted Cobb, Assistant Chief Counsel, State Water Resources Control Board

Ms. Malinda Dumisani, Special Assistant, California Environmental Protection Agency

Ms. Kristine Escarda, Department of Toxic Substances Control

Ms. Vida Federighi, Assistant Director, External Affairs, Department of Pesticide Regulation

Mr. Steve Hui, Special Assistant, California Environmental Protection Agency

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APPEARANCES CONTINUED

STAFF

Ms. Beth Jines, Chief, Office of Public Affairs, State  
Water Resources Control Board

Mr. Adrian Perez, Chief, Office of Employee Assistance,  
State Water Resources Control Board

Mr. Shankar Prasad, Deputy Secretary, California  
Environmental Protection Agency

Dr. Charles Salocks, Office of Environmental Health Hazard  
Assessment

Mr. Randy Segawa, Senior Environmental Research Scientist,  
Department of Pesticide Regulation

Mr. Dale Shimp, Manager, Environmental Justice Section,  
Air Resources Board

Ms. Caren Trgovcich, Chief, Statewide Cleanup Operations  
Division, Department of Toxic Substances Control

Ms. Jeanine Townsend, Executive Assistant, California  
Environmental Protection Agency

ALSO PRESENT

Ms. Irma Anderson, People for Children's Health and  
Environmental Justice

Mr. Duane Bay, San Mateo County

Mr. Michael Dorsey, San Diego County Department of  
Environmental Health, CEJAC Advisory Committee Member

Ms. Maria Downing

Mr. Aaron Lawrence

Ms. Christa Lawrence

Ms. Barbara Lee, Northern Sonoma County Air Pollution  
Control District, CEJAC Advisory Committee Member

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APPEARANCES CONTINUED

ALSO PRESENT

Ms. Meghan Lopez

Mr. Joe Lyou, California Environmental Rights Alliance,  
CEJAC Advisory Committee Chairperson

Ms. LeVonne Stone, Executive Director, Fort Ord Environmental Justice  
Network

Ms. Wilma Subra, Subra Company

Ms. Mary Tanner

Dr. Barry Wallerstein, South Coast Air Quality Management  
District, CEJAC Advisory Committee Member

Ms. LaDonna Williams, People for Children's Health and  
Environmental Justice

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1 PROCEEDINGS

2 CALEPA SECRETARY ADAMS: Good afternoon folks. I  
3 believe that the webcast has already started, so we should  
4 get started.

5 My name a Linda Adams. I'm the Secretary for  
6 Environmental Protection. And thank you all for being  
7 here today.

8 This a public meeting of the Interagency Working  
9 Group on Environmental Justice. And welcome to everyone  
10 and to those on the webcast.

11 For some of us around the table and in the room,  
12 including myself, this is our first meeting of the  
13 Environmental Justice Interagency Work Group. And I very  
14 much look forward to the presentations today. I've  
15 learned a little bit about the pilot projects underway and  
16 look forward to hearing those presentations and public  
17 comment on those projects.

18 I've worked with some of you over the years in  
19 developing legislation for different environmental issues,  
20 including environmental justice and, more recently,  
21 climate change.

22 Oh, I'm sorry. Oh, that's better. Okay. Excuse  
23 me.

24 And I apologize. I'm actually a little bit under  
25 the weather today. So I apologize for that.

1 I actually was very proud when I worked for  
2 Governor Davis in his legislative unit to negotiate and  
3 have him sign the first in the nation a law on  
4 environmental justice, a bill by Senator Hilda Solis,  
5 which I'm sure you are all very familiar with. That was  
6 one of the crowning jewels of that administration, to get  
7 that law enacted.

8 Let's see. So let's begin the meeting by  
9 introducing ourselves around the table. I already  
10 introduced myself, Linda Adams, Secretary of Environmental  
11 Protection.

12 Shankar.

13 CALEPA DEPUTY SECRETARY PRASAD: Shankar Prasad,  
14 CalePA.

15 OPR DEPUTY DIRECTOR FILLMORE: John Fillmore with  
16 the Governor's Office of Planning and Research.

17 OEHHHA DIRECTOR DENTON: Joan Denton, Director of  
18 OEHHHA.

19 DTSC EXECUTIVE DIRECTOR LEARY: Mark Leary,  
20 Executive Director, Integrated Waste Management Board.

21 SWRCB CHAIRPERSON DODUC: Tam Doduc, Chair of the  
22 State Water Board.

23 ARB DEPUTY EXECUTIVE OFFICER TERRY: Lynn Terry,  
24 Deputy Executive Officer, Air Resources Board.

25 DPR DIRECTOR WARMERDAM: Mary-Ann Warmerdam,

1 Director of DPR.

2 DTSC DIRECTOR GORSEN: Maureen Gorsen, Director  
3 of DTSC.

4 SWRCB ASSISTANT CHIEF COUNSEL COBB: I'm Ted  
5 Cobb. And despite the fact that I have a name plate, I'm  
6 not a member of the Working Group. I'm the attorney  
7 assigned to advise them at this meeting.

8 CALEPA SECRETARY ADAMS: Thank you.

9 And I think I'd like to take a minute to have the  
10 folks in the room introduce themselves, their names and  
11 affiliations, please.

12 Shall we start over here.

13 CALEPA SPECIAL ASSISTANT DUMASANI: Malinda  
14 Dumasani.

15 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST  
16 SEGAWA: Randy Segawa, Department of Pesticide Regulation.

17 MS. MONAHAN-CUMMINGS: Carol Monahan-Cummings,  
18 Office of Environmental Health Hazard Assessment.

19 OEHHA CHIEF DEPUTY DIRECTOR SIEBAL: Val Siebal  
20 from the Office of Environmental Health Hazard Assessment.

21 OPR STATE CLEARING HOUSE DIRECTOR ROBERTS: Terry  
22 Roberts with the Office of Planning and Research.

23 CALEPA SPECIAL ASSISTANT HUI: Steve Hui, CalePA.

24 DPR EXTERNAL AFFAIRS ASSISTANT DIRECTOR  
25 FEDERIGHI: Vida Federighi, Pesticide Regulation.

1 DTSC PUBLIC PARTICIPATION SPECIALIST MARXEN: Jim  
2 Marxen, DTSC.

3 MR. BISSINGER: Eric Bissinger, Waste Management  
4 Board.

5 DPR CHIEF DEPUTY DIRECTOR GOSSELIN: Paul  
6 Gosselin, DPR.

7 MR. BAY: Duane Bay, San Mateo County Department  
8 of Housing.

9 CALEPA SECRETARY ADAMS: It doesn't appear to be  
10 working too well.

11 MR. THOMPSON: Lee Thompson, San Mateo County  
12 County Counsel's Office.

13 ADVISORY COMMITTEE MEMBER LEE: Barbara Lee,  
14 Northern Sonoma County Air Pollution Control District.

15 ADVISORY COMMITTEE CHAIRPERSON LYOU: Joe Lyou,  
16 California Environmental Rights Alliance.

17 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Barry  
18 Wallerstein, South Coast Air Quality Management District.

19 MR. ARRIETA: Dave Arrieta, DNA Associates.

20 SWRCB EXECUTIVE DIRECTOR CANTU: Celeste Cantu,  
21 State Water Resources Control Board.

22 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Beth  
23 Jines, State Water Board.

24 MS. SMITH: Tina Smith.

25 MS. TANNER: Mary Tanner.

1 MR. TANNER: Jeremy Tanner.

2 MS. ANDERSON: Irma Anderson for People for  
3 Children's Health and Environmental Justice.

4 MS. SUBRA: Wilma Subra, Subra Company, New  
5 Iberia, Louisiana.

6 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
7 LaDonna Williams, People for Children's Health  
8 and Environment Justice and former resident of Midway  
9 Village.

10 MR. SHIMP: Dale Shimp, Air Resources Board.

11 MS. LIVINGSTON: Shelby Livingston, Air Resources  
12 Board.

13 ADVISORY COMMITTEE MEMBER DORSEY: Michael  
14 Dorsey, San Diego County Department of Environmental  
15 Health. I'm here today as a member of the CalePA  
16 Environmental Justice Advisory Committee representing the  
17 group.

18 MS. DOWNING: Maria Downing, thirty-year resident  
19 of Midway Village.

20 MS. LAWRENCE: Christa Lawrence, Midway Village  
21 resident for 19 years.

22 MS. TARICCO: Peggy Taricco, Air Resources Board.

23 DTSC EDUCATION AND OUTREACH CHIEF BYRD: Vanessa  
24 Byrd, DTSC.

25 MR. LONDON: Hi. I'm Jonathan London with UC

1 Davis Department of Human and Community Development.

2 MR. FAUST: John Faust, Office of Environmental  
3 Health Hazard Assessment.

4 MS. LEE: Lily Lee, U.S. Environmental Protection  
5 Agency, Region 9.

6 MS. ESCARDA: Kris Escarda, DTSC.

7 DTSC STATEWIDE CLEANUP OPERATIONS CHIEF

8 TRGOVCICH: Caren Trgovcich, DTSC.

9 ARB PLANNING AND TECHNICAL SUPPORT CHIEF

10 MURCHISON: Linda Murchison, Air Resources Board.

11 CALEPA SECRETARY ADAMS: Okay. Thank you all  
12 very much.

13 And I want to make sure that everyone who wants  
14 to speak, please fill out the yellow cards and give them  
15 to Jeanine or Steve. And please identify which item you  
16 would like to speak on. Because we will take public  
17 comment on the pilot projects upon conclusion of those  
18 presentations and then public comment on the Midway  
19 Village issue after that presentation.

20 And then first on our agenda we're going to  
21 receive update from the Office of Planning and Research.

22 Mr. Fillmore.

23 OPR DEPUTY DIRECTOR FILLMORE: Thank you, Linda.

24 CALEPA SECRETARY ADAMS: Thank you very much for  
25 being here.

1           OPR DEPUTY DIRECTOR FILLMORE:  Thank you.  I'll  
2 try to speak with the microphone on from hereon out.

3           (Thereupon an overhead presentation was  
4           Presented as follows.)

5           OPR DEPUTY DIRECTOR FILLMORE:  First of all, I  
6 actually just wanted to say thank you to all the people  
7 who have come out and shown the passion about this issue,  
8 and to say what an honor it is to be here with the people  
9 who are actually out there implementing and making work  
10 some of the bold initiatives that the Governor has set out  
11 in the last year, two years, two and a half years.

12           Over in the Governor's Office we get to say thing  
13 likes wouldn't it be cool if we cut down greenhouse gas  
14 emissions and cleaned up waterways and got high polluting  
15 buses off the road.  The people around the table with me  
16 are the people that actually have to make that work.  So  
17 we do appreciate that you do that for us and make us look  
18 like we're not complete liars.

19           And on a personal note, this is actually -- the  
20 record the Governor has on the environment and the efforts  
21 of the people here are really why I came down here.  I was  
22 actually an employee of Intel.  So it's why I came here  
23 instead of continuing to work in a manufacturing society,  
24 that and the stock options that came with the Governor's  
25 Office.

1 (Laughter.)

2 OPR DEPUTY DIRECTOR FILLMORE: I think -- the  
3 people around this table have a lot more to say probably  
4 about the down and dirty details of what the Governor's  
5 Office is doing on environmental justice issues. I'll  
6 talk a little bit about OPR and our general plan  
7 guidelines that help to give guidance to local governments  
8 as to their planning and building initiatives and  
9 hopefully gives those local governments some guidance on  
10 taking into account environmental justice issues.

11 Teri Roberts is here from our office. Teri is a  
12 noted CEQA expert and the head of our clearinghouse unit.  
13 So she is actually working through the update of our  
14 general plan, which is coming out -- Teri, I believe at  
15 the end of this year, beginning of next year?

16 MS. ROBERTS: Early next year.

17 OPR DEPUTY DIRECTOR FILLMORE: Early next year.  
18 And so we wanted to be here also. In addition to talking  
19 about the great things that we're out here doing is to  
20 listen and hear what potential things that we can do  
21 better as we're getting this next general plan put out to  
22 support this community.

23 I think this has been a landmark year for  
24 environmental justice in the State of California.  
25 Obviously there are a lot of things to celebrate, with AB

1 32 coming out that is putting significant teeth into what  
2 was already a landmark announcement by the Governor's  
3 Office last year about cutting greenhouse gas emissions by  
4 80 percent by 2050 from 1990 levels. And I think that is  
5 indicative of an overall strategy by this governor to  
6 really take initiative on environmental issues and to  
7 improve the living conditions for all Californians,  
8 particularly the initiatives we have to clean up school  
9 buses, which are a huge source of pollution for not only  
10 the communities but also a very dangerous source of  
11 pollution for the children riding in them; the "Breathe  
12 Easier" campaign to get high polluting vehicles off the  
13 road. Those are things that are going to make noticeable  
14 impacts here throughout the state and throughout the  
15 future, in addition to what we're doing on greenhouse  
16 gases, in addition to the millions of acres of land that  
17 this administration has protected from development, both  
18 for this generation and for future generations.

19 I think when we continue to go here is -- what I  
20 would like to do is to hear what we can continue to do in  
21 the environmental justice initiative in order to better  
22 serve the people in this room and to better work with the  
23 Environmental Protection Agency and the other departments  
24 and agencies within the Administration charged with  
25 implementing the Governor's goals.

1           CALEPA SECRETARY ADAMS: Thank you very much,  
2 John.

3           And I would like to point out with regards to  
4 Assembly Bill 32, with the help of Joe Lyou and Jane  
5 Williams and others, we sat down with actually the  
6 Governor's Chief of Staff and worked out some language for  
7 environmental justice communities to ensure these  
8 communities will not be disproportionately impacted by any  
9 reductions in greenhouse gas emissions. We have several  
10 provisions in the bill related to that. And also point  
11 out that the California Air Resources Board under AB 32  
12 will be convening an Environmental Justice Advisory  
13 Committee specific to this issue of AB 32. So I  
14 appreciate the help of Joe and others on this issue.

15           Does anyone else around the table have any  
16 comments with regards to Mr. Fillmore's presentation?

17           Okay. Next Shankar Prasad, my Deputy Secretary  
18 for Science and Environmental Justice, will make a  
19 presentation on recent activities by the Agency.

20           I have to remember to speak into the microphone.

21           CALEPA DEPUTY SECRETARY PRASAD: Thank you,  
22 Secretary.

23           I want to first of all offer a welcome to the new  
24 and the continuing members of the IWG and also to others  
25 who have managed time to come this afternoon for this

1 meeting.

2 I know that many of you might be thinking that we  
3 have not met for a while. Yes, it is true. But that does  
4 not mean that we have not been working or following up on  
5 the other assignments. Just wanted to let you know that  
6 though we have not met with this group in public, all  
7 the -- both at the Agency and at the BDO there are a lot  
8 of assignments; and the EJ Action Plan projects are moving  
9 ahead. You will hear a brief update on all of those  
10 today.

11 In addition, one thing I am glad to announce is  
12 that DTSC was kind enough last year to give us \$250,000 to  
13 initiate the EJ small grants program, and also Water Board  
14 also denoted \$30,000. So with that, we have been able to  
15 fund 17 projects across the state. And about 7 of them  
16 are actually related to various tribes. So those projects  
17 are ongoing. And you will get an update of those projects  
18 and what they are focused on at your next meeting.

19 And this year the Department of Pesticide  
20 Regulation is providing us the funds of \$250,000. And we  
21 will be initiating this year's grant cycle within the next  
22 few weeks.

23 And the CEJAC, the California EJ Advisory  
24 Committee, meeting is scheduled for the 13th of October.

25 And also as promised earlier, OEHHA has completed

1 its review on the Midway Village report, which will be  
2 discussed later today.

3 Thank you.

4 CALEPA SECRETARY ADAMS: Well, thank you very  
5 much, Shankar. Glad to hear that we're making some  
6 progress.

7 Any comments from IWG members?

8 Okay. So now we can move on to hear status  
9 reports by our boards, departments and offices on the  
10 various environmental justice projects being pursued in  
11 accordance with CalePA's Environmental Justice Action  
12 Plan. I believe each BDO will have ten minutes to make  
13 the presentations. We have quite a large agenda.

14 So please.

15 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

16 SEGAWA: Good afternoon. I'm Randy Segawa with the  
17 Department of Pesticide Regulation. And I'm the project  
18 manager for DPR's pilot project.

19 --o0o--

20 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

21 SEGAWA: Before I begin about DPR's pilot project I just  
22 want to give you a little background for these who are  
23 unfamiliar with this EJ Action Plan. This was initiated  
24 back in 2004. And the action plan has several pilot  
25 projects being conducted by the various boards,

1 departments, offices within CalEPA. And all those pilot  
2 projects have several common elements. In particular,  
3 they all focus on children's environmental health. They  
4 also have components regarding public participation,  
5 evaluation of cumulative impacts from multiple pollutants,  
6 and an investigation of the precautionary approach.

7 Now, DPR's specific project focuses on air  
8 monitoring in the Central Valley. And it's pretty much an  
9 extension of DPR's current monitoring programs, both for  
10 air as well as water.

11 DPR did select Parlier as the community for this  
12 project based on evaluation of 83 different communities  
13 within the San Joaquin Valley. We selected Parlier based  
14 on several environmental justice factors such as family  
15 income and number of children within the community.

16 We also looked at the availability of cumulative  
17 impact data as well as pesticide use surrounding each of  
18 those communities.

19 CALEPA SECRETARY ADAMS: Excuse me, Randy.

20 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

21 SEGAWA: Yes.

22 CALEPA SECRETARY ADAMS: How many did you look at  
23 before you chose Parlier, did you say?

24 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

25 SEGAWA: We looked at 83 different --

1 CALEPA SECRETARY ADAMS: Eighty-three?

2 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

3 SEGAWA: Yeah, yeah.

4 Once we selected Parlier for the project, we  
5 formed two advisory groups:

6 A local advisory group comprised of community  
7 members, local environmental groups and people to help us  
8 with the policy and community issues.

9 We also formed a technical advisory group  
10 composed of scientific experts from various government  
11 agencies, UC, and some local pest management experts.

12 DPR's project involves a monitoring of 40  
13 different pesticides within Parlier. And DPR is doing the  
14 bulk of the monitoring at three elementary schools, all  
15 within Parlier city itself. We are collecting three  
16 24-hour hour air samples -- I'm sorry -- yeah, collecting  
17 24-hour samples three days per week for an entire year,  
18 beginning in January and running throughout 2006.

19 DPR's collecting two different air samples, one  
20 for MITC, methylisothiocyanate, a highly used pesticide in  
21 the area, as well as a second sample for 30 other  
22 pesticides.

23 Air Resources Board is assisting us by monitoring  
24 at one location, co-located with us at one of our  
25 elementary schools. They are monitoring once every six

1 days, both for volatile organic compounds as well as  
2 metals and elements.

3           Together with some other agencies we are also  
4 monitoring for other pollutants. In particular, Air  
5 Resources Board, at their station they're also monitoring  
6 for particulate matter on a continuous basis.

7           The air pollution control district also monitors  
8 for criteria air pollutants, specifically ozone nitrogen  
9 dioxide, just outside of Parlier. In fact, it was one of  
10 the reasons we selected Parlier, because it is part of  
11 their air monitoring network.

12           In addition, Parlier's drinking water comes from  
13 three municipal wells. And of course the city monitors  
14 for a variety of the contaminants, bacteria, nitrates and  
15 other pollutants on a routine basis. And Then DPR's  
16 supplemented that monitoring with analysis for 12  
17 additional pesticides that either have been found or could  
18 be found in groundwater.

19           In addition, Office of Environmental Health  
20 Hazard Assessment as a lead for the cumulative impacts  
21 component is looking at some other data available for that  
22 particular area.

23           So far we have results through March 31st.  
24 Monitoring began on January 3rd, so we have results for  
25 the first three months. No big surprises. We are finding

1 several different pesticides. Actually 11 different  
2 pesticides have been detected so far. Diazinon is a  
3 pesticide that comes closest to what we call our health  
4 screening level. That's a level that would trigger  
5 additional evaluation by the department. Diazinon we're  
6 finding -- the highest concentration we've found so far is  
7 75 percent of its screening level.

8 CALEPA SECRETARY ADAMS: I'm sorry. Can you  
9 explain what's the level that you --

10 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

11 SEGAWA: What we refer to as a health screening level --

12 CALEPA SECRETARY ADAMS: Screening level.

13 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

14 SEGAWA: Yes.

15 CALEPA SECRETARY ADAMS: Okay.

16 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

17 SEGAWA: -- is derived based on toxicology data that is  
18 submitted to the department as well as U.S. EPA for the  
19 registration of pesticides. And our staff in conjunction  
20 with OEHHA and Department of Health Services reviewed that  
21 data and determined a level at which concentrations below  
22 that level would indicate, while not necessarily safe,  
23 would indicate probably we don't need to look at much  
24 further. Whereas concentrations above those screening  
25 levels would indicate the need for further evaluation.

1           In terms of the schedule, there was a several  
2 month delay from our original schedule that we set up back  
3 in May 2005. Our reason for that was the consultation  
4 that we wanted to do with our two advisory groups, that  
5 took a little bit longer than we had hoped for.

6           In addition, when we were in the planning stage  
7 and talking with our advisory groups, we all decided -- in  
8 fact, the advisory groups recommended that we delay the  
9 start of the monitoring so that we could take funds from  
10 two different fiscal years to increase the amount of  
11 monitoring that we could do. And so for that reason we  
12 actually started monitoring first week in January so we  
13 could split those costs between two fiscal years.

14           In terms of other activities we're doing under  
15 this pilot project, monitoring of course will continue  
16 until the end of the year. Our next progress report we  
17 will be publishing probably in late November. We will be  
18 looking at the cumulative impacts, not only for the  
19 multiple pesticides but other pollutants as well in  
20 conjunction with OEHHHA.

21           In terms of the precautionary approach and risk  
22 reduction, DPR's undertaken a couple of different  
23 projects. We are working with U.S. EPA and USDA to  
24 attempt to reduce pesticide applications to fruit orchards  
25 in the San Joaquin Valley, particularly around Parlier

1 area.

2 In addition, DPR has initiated a pest management  
3 evaluation of the farms in the Parlier area looking to see  
4 what their current pest management practices are and if  
5 there are ways we can improve those and reduce pesticide  
6 use.

7 For our public participation component, in  
8 addition to our local advisory group, DPR held a community  
9 forum back in January to watch our pilot project. It was  
10 actually very successful. More than 300 people showed up.  
11 And we actually expanded the scope of the forum. Instead  
12 of just focusing on our particular pilot project, we  
13 brought in other organizations to make it a health and  
14 safety forum. And so, like I said, we did have very good  
15 attendance. And we thought the community was quite  
16 excited about the project.

17 Also, back in May we held a pest management tour  
18 our local advisory group and technical advisory group. We  
19 set up a tour of an orchard and a vineyard within the  
20 Parlier area. And the managers of those farms explained  
21 the important issues to them, how they manage pests, how  
22 they use pesticides, what the alternatives that they see.

23 CALEPA SECRETARY ADAMS: Randy, who all  
24 participated in that tour that you mentioned?

25 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

1 SEGAWA: That was attended by probably about a dozen or so  
2 members of our local advisory group and maybe seven or  
3 eight of our technical advisory group.

4 CALEPA SECRETARY ADAMS: How many people were on  
5 the local advisory groups?

6 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

7 SEGAWA: The local advisory group I think has about 16 or  
8 17 people, and about the same for our technical advisory  
9 group.

10 CALEPA SECRETARY ADAMS: And what was the  
11 membership, the makeup of those advisory groups?

12 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

13 SEGAWA: The local advisory group has some local growers;  
14 has local business people; has representatives from  
15 environmental organizations within the area, such as  
16 Latino Issues Forum; LUPE, which is a farm worker  
17 organization; as well as California Rural Legal  
18 Assistance. The City Manager for Parlier is on the group.  
19 Am I leaving anybody out?

20 Okay. No.

21 CALEPA SECRETARY ADAMS: Thank you.

22 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

23 SEGAWA: And actually I think that's about it for my  
24 formal presentation.

25 CALEPA SECRETARY ADAMS: Now, Randy, would you go

1 over the timelines again. I know we're a little bit  
2 behind schedule. But it sounds like you've really made a  
3 lot of progress. You know, this is all -- this is the  
4 first time I'm hearing about the projects and how they're  
5 going. And I'm very impressed with what the Department  
6 has done on this project. But I want to hear about the  
7 timelines.

8 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

9 SEGAWA: Yes. One of the unique things about this  
10 particular pilot project is it will be collecting samples  
11 for an entire year. We've never done that before. And so  
12 we will be collecting samples until December 2006. We  
13 anticipate that the laboratory analysis will take about  
14 three months or so to complete after the end of the  
15 sampling. Then we have of course an extensive data  
16 analysis that needs to be done after we have all the  
17 laboratory data. But we do expect to produce a final  
18 report about November of 2007. And then once we complete  
19 that monitoring report, then we'll be looking to see if  
20 there's any other risk reduction measures that we would  
21 need to take.

22 CALEPA SECRETARY ADAMS: Great. Thank you very  
23 much.

24 Anyone around the table?

25 Tam and then Joan.

1 SWRCB CHAIRPERSON DODUC: I just wanted to also  
2 add my compliments to DPR. It's very gratifying to see  
3 how the DPR pilot project has come together. It has  
4 integrated the air component, the water component, and has  
5 started to also address the three main issues of public  
6 participation, cumulative impacts and precautionary  
7 approach. You guys have done a great job.

8 But I do have a question.

9 Another aspect to these pilot projects is that it  
10 also be a testing ground for us -- for the departments to  
11 look at our programs and identify the gaps that would  
12 impede environmental justice, and then obviously during  
13 the course of the implementation develop solutions to  
14 those gaps.

15 In your efforts to date has that identification  
16 been started and have you been able to identify some  
17 program gaps?

18 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

19 SEGAWA: It has. And actually I will turn it over to Vida  
20 Federighi, our EJ Coordinator, who can answer that  
21 question.

22 SWRCB CHAIRPERSON DODUC: Great.

23 DPR EXTERNAL AFFAIRS ASSISTANT DIRECTOR

24 FEDERIGHI: Hello. My name is Vida Federighi, and I'm  
25 External Affairs Director and also EJ Coordinator.

1           We are not only identifying gaps -- it's not only  
2 in Parlier, but we have formed a work group, a statewide  
3 work group to advise us on developing an EJ strategy and  
4 implementation plan for the Department that will apply to  
5 all our activities. And we've formed a -- something  
6 analogous to the local advisory group, but only on a  
7 statewide basis, to help -- to make recommendations to us  
8 and to identify gaps in our program. And we'll be  
9 familiarizing them with the Parlier project. And we'll be  
10 taking input as well from the LAG so we can see how -- one  
11 of the things that -- the pilot project in Parlier is more  
12 than EJ pilot project for us. And Randy probably can  
13 address this better. But it's also a pilot project for us  
14 to see the feasibility of doing this kind of monitoring on  
15 a statewide basis. What is the need for it? Once we see  
16 what we find, we will see -- it will point the direction  
17 for future monitoring activities.

18           SWRCB CHAIRPERSON DODUC: Thank you.

19           CALEPA SECRETARY ADAMS: Joan.

20           OEHHA DIRECTOR DENTON: My compliments to DPR as  
21 well.

22           Randy, we know that pesticides are seasonally  
23 applied. So I was just wondering in your data collection  
24 and in our subsequent working with you on the cumulative  
25 impacts, how are you breaking it down? Are you breaking

1 it down into quarters or -- because in -- anyway, that's  
2 the question.

3 DPR SENIOR ENVIRONMENTAL RESEARCH SCIENTIST

4 SEGAWA: Good question.

5 We will actually be looking at the pesticides  
6 individually as well as combined. And so you're correct,  
7 in that most pesticides do have a seasonal use pattern to  
8 them. And we did try to take that into account. And one  
9 of the reasons we're monitoring for a whole year is  
10 because we can capture all the seasons. And so we will be  
11 looking at that seasonality in our data analysis.

12 CALEPA SECRETARY ADAMS: Mary-Ann.

13 DPR DIRECTOR WARMERDAM: I'd like to extend my  
14 appreciation as well to the Air Resources Board. They're  
15 a primary partner for us in this particular project, and  
16 our success is in large measure dependent upon our  
17 coordination with the Air Board. So I'd like to thank the  
18 Air Board.

19 I'd also like to thank the City of Parlier and  
20 the residents there, because a lot of what we've been  
21 doing has been enabled because we've had a community that  
22 has been interested in and excited about trying to get a  
23 better understanding of what's occurring in that part of  
24 the state. So it's been one of those lovely opportunities  
25 to work with a community. They've been very hospitable.

1 And it has made it easier for our staff to try to work  
2 with and through the data that we're collecting. So it's  
3 in large measure due to the City of Parlier and their  
4 local government.

5 CALEPA SECRETARY ADAMS: Wonderful. Thank you.  
6 Terry.

7 ARB DEPUTY EXECUTIVE OFFICER TERRY: Just a quick  
8 comment --

9 CALEPA SECRETARY ADAMS: Lynn, that is. Ms.  
10 Terry.

11 ARB DEPUTY EXECUTIVE OFFICER TERRY: I think this  
12 project has a lot of value in moving us towards some  
13 fundamental science on cumulative impacts because, while  
14 DPR is targeting some pesticide work, putting an ARB  
15 monitor out there really provides baseline information on  
16 regional air pollution, whether it's motor vehicle  
17 emissions or anything else, ozone and particulate. So I  
18 think just looking at air alone, having that baseline data  
19 for all the air exposures in this community will be very  
20 valuable.

21 CALEPA SECRETARY ADAMS: Yes. Thank you. Thank  
22 you very much.

23 Tam.

24 SWRCB CHAIRPERSON DODUC: I don't suppose we can  
25 move that towards atmospheric deposition into water too

1 now, could we?

2 (Laughter.)

3 ARB DEPUTY EXECUTIVE OFFICER TERRY: Some day.

4 (Laughter.)

5 SWRCB CHAIRPERSON DODUC: Worth a try.

6 DPR DIRECTOR WARMERDAM: She didn't say no.

7 CALEPA SECRETARY ADAMS: Okay. Any other  
8 comments from IWG?

9 And I just want to remind the folks in the  
10 audience that we will take public comment after we hear  
11 all the project updates.

12 Okay. Anything else, Randy or Vida?

13 Thank you very much. That was very helpful.

14 Okay. We will now move on to the State Water  
15 Resources Control Board Klamath and New River Projects.

16 Beth Jines.

17 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

18 Good afternoon. With me is Adrian Perez, who is  
19 the project manager for the New River Project. Although I  
20 will be reporting on both, but he's here in case you have  
21 questions specifically about the New River Project.

22 CALEPA SECRETARY ADAMS: Thank you. And thank  
23 you for finding a court reporter for us today.

24 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

25 Happy to.

1           Because the New River impacts the Salton Sea, we  
2 have established a regional advisory committee that is  
3 also representative of the Salton Sea watershed. The  
4 Committee has -- the advisory committee has divided itself  
5 into a technical subcommittee and then a children's health  
6 subcommittee.

7           The technical subcommittee is charged with  
8 reducing the number of pathogens and the smell from the  
9 New River.

10          The children's health subcommittee is charged  
11 with developing and implementing an outreach and awareness  
12 campaign in the community of Calexico.

13          The committee has met monthly since August 2005  
14 through June 2006, with speakers, government  
15 representatives and subject matter experts from both  
16 countries making regular presentations.

17          At the June 6th meeting -- or the June 2006  
18 meeting -- excuse me -- the regional water board was asked  
19 by the committee to research and model the option of  
20 injecting liquid chlorine at the New River's point of  
21 entry into the United States. The purpose of this option  
22 is to reduce the number of pathogens and the smell. The  
23 results will be reported in our October 2006 committee  
24 meeting.

25          A concept children health plan was presented in

1 May. And the committee asked the State Board to further  
2 develop the plan to include the need for health, education  
3 and community participation in planning the future of the  
4 entire New River area. The draft plan will be presented  
5 in October at the committee meeting then.

6 And there has been kind of a significant change  
7 in the New River potentially affecting this project.  
8 Mexico has opened its newest pumping plants that are going  
9 to redirect the flow of sewage water south of the City of  
10 Mexicali. It's called Las Arenitas. When it becomes  
11 fully operational, the water boards expect a 99 percent  
12 reduction in raw sewage, a projected 30 percent reduction  
13 of nutrients into the Salton Sea, and a reduction in  
14 bacteria.

15 There'll also be a measurable reduction in flow  
16 at the border because of Las Arenitas and because of other  
17 projects that are going on in Mexicali, such as power  
18 plants --

19 CALEPA SECRETARY ADAMS: Now, what was the date  
20 you said that would be on line, the --

21 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

22 They're coming on line right now as we speak.

23 There are also -- because of the power plants and  
24 water recycling, there will also be a reduction in the  
25 amount of flow that comes over the border.

1           A drop in flow of about 15 to 20 percent is  
2 expected in the immediate future. We already are  
3 measuring an 8 percent drop, with another 15 to 20 percent  
4 drop in flow over the next ten years.

5           There is also an expectation that metals such as  
6 arsenic, mercury, zinc and selenium will also drop  
7 anywhere from 20 to 30 percent due to the new pumping  
8 plant.

9           However, the overall pollutants will remain above  
10 our pollution control standards in California.

11           And although this is a positive approach towards  
12 the New River pollution, the lowering of flows could  
13 potentially result in riverbed sediment soil being  
14 exposed, which will then create a potentially hazardous  
15 air problem. So if that does happen, then that will  
16 undoubtedly change the focus of the advisory committee and  
17 we'll begin working in that direction.

18           Any questions?

19           Okay. On to Klamath.

20           As many of you know, the Klamath River is  
21 impaired by a number of different things, not the least of  
22 which are toxic algae blooms, parasites, low flows and  
23 destruction of the native habitat.

24           Salmon fishing, which was the way that the tribes  
25 made their living for many, many years and sustained their

1 cultural economic and spiritual health, has pretty much  
2 diminished. In fact, on June 6th the Governor declared a  
3 state of emergency Chinook Salmon in the Klamath River  
4 Basin. And as part of his emergency statement, the  
5 Governor recognized some of the issues that the advisory  
6 committee that we have formed for the Klamath River are  
7 grappling with.

8 In his statement he said a restoration of habitat  
9 and improved water quality and flows are critical to  
10 restoring an environment suitable to the long-term  
11 sustainability of the Klamath River Basin Chinook Salmon  
12 and other anadromous fish species.

13 The Klamath River Work Group is made up of  
14 representatives of the State Water Board, the North Coast  
15 Regional Water Board, the Hoopa, Karuk, Yurok, Resighini  
16 Rancheria, and Quartz Valley Tribes. And these pretty  
17 much make up the major tribes within the Klamath Basin.

18 We meet via conference call about twice a month  
19 and have met in person several different times. But it's  
20 very difficult. No matter where we meet, some one of the  
21 tribes has to travel about ten hours by car. So we try to  
22 do most of our meetings via conference call. It's worked  
23 out very well.

24 During these meetings we talked about a whole --  
25 a number of ways in which we could use this environmental

1 justice project to develop meaningful data that would  
2 assist the regulatory agencies in actually doing some  
3 restoration work in the Klamath Basin.

4           A couple of things have -- other things have  
5 happened since we last reported to the IWG. We went ahead  
6 and expanded the project, which we had originally proposed  
7 as being the Klamath River, to include the tributaries,  
8 because they are also impaired for different things. And  
9 that has an effect upon the quality of the water in the  
10 main stem.

11           We have also expanded the work group to include  
12 our North Coast Regional Board staff, in particular the  
13 staff that are working on the development of the total  
14 maximum daily loads for the river and its tributaries.

15           The regional board in this -- the North Coast  
16 Board has adopted TMDLs, or the total maximum daily loads  
17 that I mentioned before, which include action plans to  
18 restore water quality and beneficial uses of the Scott,  
19 Shasta and Sand River watersheds, and is now in the  
20 process of developing TMDLs for the main stem of the  
21 Klamath River.

22           The Water Quality Control Plan, which is also  
23 known as the Basin Plan, for the North Coast Region  
24 designates a number of beneficial uses for the hydrologic  
25 sub-areas of the Klamath River and the tributaries. Some

1 of the typical beneficial uses that we'd normally deal  
2 with are municipal water supply, water contact recreation,  
3 cold fresh water habitat, spawning, reproduction early  
4 development.

5           The North Coast Regional Board has included two  
6 beneficial uses, which are not -- we have not -- they have  
7 not been included in any basin plans for any of the other  
8 regions in California. And they are a native American  
9 cultural use of the river and subsistence fishing.

10           So what that means is that the water quality must  
11 be protected -- or must protect both the normal everyday  
12 municipal use, those kinds of beneficial uses, but also  
13 must include the native American cultural beneficial uses  
14 and the subsistence fishing.

15           So in order to develop the TMDLs to protect the  
16 basin, our group -- the work group decided to engage in  
17 data gathering as our pilot project. The project is going  
18 to have two pieces. The first is a catalogue of the  
19 religious, cultural and subsistence uses of the river and  
20 the tributaries; the time of year the uses take place;  
21 what type of use there is, or if it's ceremonial, does it  
22 include bathing in the water, eating fish, drinking water?  
23 They're also going to describe the exposure pathways for  
24 each of these uses. And this information will be used for  
25 both the TMDL development and the water quality analysis,

1 but also for analysis of the loss that has been caused by  
2 the hydroelectric facilities that utilize both dam-up  
3 water in the basin and then utilize water for  
4 hydro-production.

5           The second part of the project will be  
6 development of another catalogue. But this is a catalogue  
7 of anecdotal data about the degradation of the river over  
8 time. We are going to -- the tribes will be talking with  
9 the elders in the tribe and find out how -- when the river  
10 began to degrade and how that has had an effect on both  
11 their economy, health and the socialization of the tribes.  
12 Then we will be able to use that information as well in  
13 our TMDL analysis, which includes an analysis that has --  
14 that is date specific.

15           In terms of public participation, we developed  
16 the work group as basically our public participation  
17 group; and then we feel that these catalogues, which will  
18 include the input of all of the tribal members, provide an  
19 opportunity for everyone to get involved and to have their  
20 voice heard, their stories heard, their use of the river  
21 reflected. So we feel like we'll be -- our basic -- at  
22 the end of it these catalogues will represent a much  
23 larger participation by the parties than we had originally  
24 thought with just the work group.

25           In terms of cumulative impact and the

1 precautionary approach, this project is basically  
2 pioneering a more broad social and economic and religious  
3 and spiritual use -- or impact from the degradation of  
4 water quality than we have ever done before. So it's  
5 going to be an interesting year.

6 In terms of the timeline, the two projects are  
7 going to be concluded within a year in order to meet the  
8 hydro relicensing certification deadline in 2007.

9 Are there any questions?

10 CALEPA SECRETARY ADAMS: Beth, are both the  
11 projects on the same timeline, the New River and the  
12 Klamath.

13 Adrian, is that for you?

14 SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

15 Yes.

16 Yes. I don't know if you were aware of this, but  
17 there is a timeline that Calepa has established for all  
18 the pilot projects.

19 CALEPA SECRETARY ADAMS: Are we on time?

20 SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

21 We're not on time in terms of the December 2006.  
22 But we are working in conjunction to try to wrap them up,  
23 you know, by the end of 2007, or -- excuse me -- the end  
24 of Fiscal Year 2006-2007. But we're not sure if that will  
25 become a reality because, as you know, some of these

1 actions we're asking for is also going to ask for funding.  
2 For example, the injection of liquid chlorine into the New  
3 River is going to be a very expensive effort. But it's  
4 the least expensive approach that we've researched -- that  
5 the subcommittee has researched. And so we're going to  
6 have to look at the availability of funding to actually  
7 implement some of the recommendations.

8 CALEPA SECRETARY ADAMS: Okay. What's that Ted.

9 SWRCB ASSISTANT CHIEF COUNSEL COBB: State your  
10 name.

11 SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

12 Oh, I'm sorry. Adrian Perez, State Water Board  
13 Project Manager for the New River Pilot Project.

14 CALEPA SECRETARY ADAMS: For Beth on the Klamath,  
15 I'm very interested in the action of the North Coast  
16 Regional Board in their designation of beneficial uses. I  
17 think that's very creative. I like that.

18 When did that action -- was that a very recent --

19 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: It  
20 was in June of 2003.

21 CALEPA SECRETARY ADAMS: Oh, it's been a while.

22 Okay. But they have not yet adopted the TMDL  
23 though?

24 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: They  
25 have adopted the TMDL for the tributaries, but not for the

1 main stem of Klamath.

2 CALEPA SECRETARY ADAMS: Okay. Do you have any  
3 idea when they might include that?

4 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: It  
5 will be within this year or pretty close. The draft I  
6 think is coming out in October.

7 CALEPA SECRETARY ADAMS: Okay. Any comments or  
8 questions by the members the work group?

9 DPR DIRECTOR WARMERDAM: Quick question.  
10 Did you mention the types of TMDLs that are under  
11 consideration? Did I miss that? Is it the cultural TMDL?  
12 Is it limited to that?

13 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: No,  
14 it's -- there's also temperature, oxygen, and flow --

15 DPR DIRECTOR WARMERDAM: Okay.

16 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: -- I  
17 believe is the third one. And then there's the two,  
18 cultural and subsistence uses.

19 DPR DIRECTOR WARMERDAM: And then you mentioned a  
20 hydro project being captured in a Klamath discussion.  
21 Who's the owner of that hydro project?

22 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

23 PacifiCorps.

24 DPR DIRECTOR WARMERDAM: They're an Oregon-based  
25 company, is that right?

1 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

2 Scottish.

3 DPR DIRECTOR WARMERDAM: Scottish?

4 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: They  
5 are owned by --

6 DPR DIRECTOR WARMERDAM: Well, I was just curious  
7 because it struck me as you were describing it that that  
8 brings another player into the discussion. I was  
9 wondering how they were being incorporated into the  
10 project, if they were being incorporated into the project.

11 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

12 They're not incorporated into our project.

13 Although the parallel -- there many parallel efforts going  
14 on in discussions with PacifiCorps that some of our board  
15 members engage in and that our water rights folks also  
16 engage in. So we are keeping tabs. I kind of go between  
17 those.

18 CALEPA SECRETARY ADAMS: Tam.

19 SWRCB CHAIRPERSON DODUC: Thank you.

20 I wanted to also extend my thanks to the New  
21 River Committee and the tribes in the Klamath Basin for  
22 their participation in this effort. It's a tremendous  
23 opportunity for us, as Beth said, to explore this area,  
24 interaction with tribals, looking at tribal beneficial  
25 uses. So I really do appreciate their engagement and

1 commitment to this effort.

2           To be fair I'll throw the same question at my  
3 staff that I did at DPR's staff. In terms of these two  
4 efforts, have you been able to identify any gaps that  
5 impede environmental justice, or is that something that's  
6 planned for a future implementation of these two projects?

7           SWRCB OFFICE OF EMPLOYEE ASSISTANCE CHIEF PEREZ:

8           The biggest gap has been -- as we have found, is  
9 public participation. That's where we identified. And as  
10 a result we decided to take this very broad approach --  
11 regional approach of bringing people to the table for  
12 addressing the pollution in New River.

13           In terms of data gaps, I mean it's very hard to  
14 identify health impacts, because there's two variables  
15 that we considered:

16           One of them was asking the local health agencies  
17 if they've collected anything. And unfortunately they  
18 haven't.

19           The second one was whether the population would  
20 lend itself to be able to collect that kind of  
21 information. And the answer was also no. There's a large  
22 portion of the population that's transitory. They don't  
23 stay there long enough.

24           The other is -- in terms of health, you know, if  
25 people get sick, they have a tendency to go where it's

1 least expensive. And typically they go across the border.  
2 And we don't have any coordination effort with the City of  
3 Mexicali to collect health data.

4 So it's a major issue and we hope to -- hopefully  
5 by the end of the project is to identify methods or ways  
6 that we can collect some of that health data.

7 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: In  
8 terms of environmental justice gaps, we -- I think the --  
9 the project is basically addressing the issue.  
10 We've identified -- the gap that the North Coast Regional  
11 Board has identified is the cultural and beneficial uses.  
12 And we are now in the process of looking at how to  
13 actually develop and implement a TMDL that addresses  
14 those.

15 So I think -- you know, it will be very  
16 interesting to see how -- in a year from now what kind of  
17 success we've had and what kinds of -- and how culture and  
18 medicinal, spiritual and subsistence uses of a water body,  
19 how that can be quantified into a water quality standard.

20 CALEPA SECRETARY ADAMS: Okay. Any other  
21 questions or comments?

22 Thank you very much, Beth and Adrian.

23 Okay. Next we will have a presentation by the  
24 Air Resources Board.

25 Dale Shimp.

1           Hi, Dale.

2           And I guess, Lynn you'll be part of the  
3 presentation. All right.

4           (Thereupon an overhead presentation was  
5 Presented as follows.)

6           MR. SHIMP: Well, I do have some slides. So if  
7 you want to -- I have handouts -- it should be in your  
8 handouts, a copy of the slides. And they are being  
9 projected back up there, because a number of the things of  
10 our result I think are very visual, and I don't know that  
11 you can really fully get the full grasp of them unless you  
12 can actually look at some of the pictures that we have  
13 here.

14           Okay. Well, as you mentioned, I am Dale Shimp  
15 and I'm the Manager of the ARB's Environmental Justice  
16 Section and I am the project manager for the pilot  
17 projects for the Air Resources Board.

18           What I want to do today is give you an overview  
19 of the work that we have underway. And as previously  
20 discussed, our pilot projects are part of the overall  
21 CalEPA Children's Environmental Risk Reduction Plan.

22           We've been working on these projects for more  
23 than a year. And I hope that you'll find something in the  
24 results we have so far as interesting.

25                               --o0o--

1           MR. SHIMP: That our objective really was to lead  
2 a pilot project in southern California looking at  
3 different types of air pollution emission sources. And  
4 our particular focus was to look at what kind of community  
5 level approaches could we take to address air pollution  
6 problems at the community level.

7           And taking our priorities from the overall chair  
8 project, we focus on projects that would assess cumulative  
9 risks, explore precautionary approaches, and reduce risk  
10 in the community.

11                               --o0o--

12           MR. SHIMP: We originally began work -- started  
13 working with three different communities in southern  
14 California. But now we're focusing our efforts on  
15 projects in the Wilmington area. But I probably ought  
16 to -- we call it -- use it as our general term. But that  
17 really refers to the port area, the Wilmington area, San  
18 Pedro area and parts of western Long Beach.

19           Wilmington was a lot of -- was of interest  
20 because there are a lot of major industrial facilities  
21 there, goods movement facilities, transportation  
22 facilities. And in many cases these large facilities are  
23 mixed in to residential areas, so you have a lot of  
24 contact and connection between local residents and large  
25 industrial facilities.

1           We thought this kind of situation would present  
2 us with a lot of opportunities for pilot projects we might  
3 be able to pursue in this area.

4           And our first step was to form a local advisory  
5 group to advise us on developing our pilot projects. Our  
6 approach on the advisory group was just to -- basically is  
7 have an open membership and to invite a broad spectrum of  
8 people. And at every meeting we've had community people,  
9 environmental -- people who are representatives of  
10 environmental groups, business people. People from local  
11 agencies have been participating in all of our meetings.  
12 And usually we've had in the range of 20 to 30 people come  
13 to the meetings when we had them.

14                               --o0o--

15           MR. SHIMP: Once we got underway, that our first  
16 topic that we worked on with our local advisory group was  
17 to identify and prioritize pilot projects for us to work  
18 on. And then that really took up most of our first three  
19 meetings. That kind of the way this worked was that the  
20 first meeting we had a list of about 20 projects or  
21 suggestions, the next meeting we had winnowed that to  
22 about 8, and by the end of the third meeting we had  
23 winnowed that down to three different projects.

24           And I'll discuss each one of these projects in  
25 more detail. But to at least put them in the context of

1 the Environmental Action Plan, the Environmental Impacts  
2 Assessment Project is a cumulative impacts project, the  
3 early action strategies to reduce diesel emissions is a  
4 risk reduction project, and the container storage yards is  
5 a precautionary approach related project.

6 --o0o--

7 MR. SHIMP: Really the genesis of the  
8 environmental -- the Wilmington Environmental Impacts  
9 Assessment Program really was to address two questions  
10 that the community had. Their very first questions are:  
11 Well, what are the sources of pollution in our community?  
12 And what are the impacts of those sources?

13 So in addition to the concerns of the community,  
14 this project fits in with our goal about cumulative  
15 impacts. So we began collecting information on the air  
16 pollution sources in the Wilmington area and we presented  
17 that at meetings. And subsequently they said, "Well, we  
18 don't want to just know about the air pollution sources.  
19 We want to know about all the sources of pollution in our  
20 community." So we began -- we began that effort. And at  
21 the same time we were working on a model that would allow  
22 us to assess the cumulative impacts of air pollution at a  
23 community scale.

24 --o0o--

25 MR. SHIMP: This next map that's projected up on

1 the screen shows the different air pollution sources that  
2 we have identified in the Wilmington area. Overall, there  
3 are several hundred facilities that we identified. Some  
4 of these are large industrial or goods movement -- or  
5 goods movement related facilities. But many of them are  
6 small businesses that use paints or solvents or those  
7 types of things. But by surveying the area we identified  
8 different types of facilities to help us better understand  
9 what was contributing to the air pollution in that area.

10 And this data we collected here will also serve  
11 as the basis for our work when -- I'll discuss later how  
12 we'll go about looking at the cumulative impacts of air  
13 pollution in the area, because we believe we needed to  
14 have a very detailed assessment of the air pollution  
15 sources in the Wilmington area for you to be able to do an  
16 cumulative impacts analysis.

17 OEHHA DIRECTOR DENTON: Say, Dale, could I ask  
18 you real quickly. Now, when you talk about cumulative  
19 impacts, you're talking about the cumulative impacts of  
20 all the air sources?

21 MR. SHIMP: I'm talking about all the air  
22 sources.

23 OEHHA DIRECTOR DENTON: When we talk about EJ  
24 cumulative impacts, we're talking about the cumulative  
25 impact of all the sources --

1 MR. SHIMP: That's correct.

2 OEHHA DIRECTOR DENTON: -- all the media. So  
3 there's a difference there?

4 MR. SHIMP: You are correct. We are working on  
5 the part related to cumulative impact from air pollution.  
6 But in our next slide we did do some -- since there was  
7 concern by the community about multimedia impacts, we did  
8 go through and consult all available databases and data  
9 sources to identify the other types of pollution sources,  
10 contaminated soils, contaminated water, hazardous waste  
11 disposal sites, that were in the general area so that we'd  
12 at least have a first step as far as collecting data to be  
13 able to look at the multimedia impacts, even though as our  
14 project itself is really only going to focus on the  
15 cumulative air pollution impacts.

16 OPR DEPUTY DIRECTOR FILLMORE: Dale, this is  
17 going to seem like a silly question, I'm sure. But on  
18 this map you have a number of little flags. Are those  
19 schools that are marked up there?

20 MR. SHIMP: Yes, they are. Those little dots  
21 with the flag, those are schools.

22 OPR DEPUTY DIRECTOR FILLMORE: Excellent. Thank  
23 you.

24 DPR DIRECTOR WARMERDAM: And how big is the  
25 subject area roughly? How many square miles are you

1 looking at?

2 MR. SHIMP: Well, we're really looking at about  
3 two or three zip codes. And I think the total area is  
4 somewhere between about 10 to 15 miles covers that port,  
5 San Pedro, Wilmington area there.

6 --o0o--

7 MR. SHIMP: And then our -- when I mentioned our  
8 work on looking at cumulative impacts, we are working on  
9 what we call the community evaluation tool, or we call  
10 that COMET for short. And it's a community level air  
11 pollution cumulative risk modeling tool. I know that  
12 sounds like a bunch of gobbledygook. But really what  
13 we're looking at here is, most tools to look at air  
14 pollution, they look at the area or the region in a scale  
15 of thousands of meters or more scale of resolution. If  
16 you wanted to evaluate what's happening at the community  
17 level, you're going to have to get that level of  
18 resolution down to something that's able to look at in  
19 terms of hundreds of meters, so you can look at how things  
20 change from block to block as opposed to city to city.  
21 And this is really a whole new type of tool that we're  
22 working on. And one of the key things that we're  
23 developing is something that will allow us to look at not  
24 just the local air -- industrial facilities, but also look  
25 at the impacts from roadways and from the impacts of

1 regional pollution that's occurring outside -- coming in  
2 from outside of the area.

3           So we think that this is a very significant step  
4 forward as far as developing our capability. And right  
5 now we're using the Wilmington area as our proof of  
6 concept for this approach, with a hope that this would  
7 develop a tool that could be used in other communities to  
8 look at a high level detail what kind of cumulative air  
9 impacts are occurring in their area.

10           SWRCB CHAIRPERSON DODUC: Dale, are you  
11 developing this tool with OEHHA, or is this another entity  
12 you're working with?

13           MR. SHIMP: Well, actually we -- when it comes to  
14 actually doing the risk assessment -- how to do risk  
15 calculations, we are using information from OEHHA to do  
16 that. As far as the action -- and we have been discussing  
17 this with OEHHA and also with John Faust, who's working on  
18 the cumulative work for the overall project.

19           And the micro-scale modeling tool is what we're  
20 developing within my section. But any of the actual  
21 health risk calculations are basically using data and  
22 models from OEHHA.

23           SWRCB CHAIRPERSON DODUC: What would be the  
24 output from this tool?

25           MR. SHIMP: What you would see would be -- well,

1 let me go back a couple.

2 We would have a map something like this that  
3 would basically show contour lines that would show cancer  
4 risk at different levels of resolution. Because what this  
5 would be capable of doing would be of combining the cancer  
6 risk from all the different pollutants and then adding it  
7 up into discrete little areas and then mapping that.

8 SWRCB CHAIRPERSON DODUC: But it can't be as easy  
9 as adding it up.

10 MR. SHIMP: Well, how we're doing this right now  
11 is that you can apply the cancer risk -- so you can apply  
12 the cancer risk factor for each individual pollutant and  
13 get a number per million risk for that pollutant. And  
14 then sum it by each pollutant then to get an overall total  
15 cancer risk. The other types of risk is not quite as easy  
16 as that, but that's the approach that we're planning on  
17 taking.

18 OEHHA DIRECTOR DENTON: I think John will cover  
19 this too. I mean our charge and what we're working on is  
20 developing guidance about how you do cumulative impact.  
21 And it's much in the line at the Air Board. But because  
22 of the time of these projects, the pilot projects are  
23 occurring simultaneously with the development of the  
24 guidance of how to do the cumulative impacts.

25 MR. SHIMP: So that's what -- it would be

1 basically a map that would be looked -- that would go over  
2 the area that would look at the variation in risk over the  
3 area based on the location and amount of air pollution  
4 that's occurring in that area.

5 SWRCB CHAIRPERSON DODUC: Thank you.

6 CALEPA DEPUTY SECRETARY PRASAD: When you are  
7 looking at these cumulative impacts, will you be using the  
8 working definition that was approved by the IWG in the  
9 context of cumulative impacts?

10 MR. SHIMP: Well, I would say we'll be using part  
11 of it, because really this particular model we're  
12 developing is really going to be able to get you at the  
13 cumulative cancer risk and also has the capability of  
14 doing cumulative chronic effects. But it doesn't have the  
15 capability of doing multimedia or upset conditions or some  
16 of those other types of things that were included in the  
17 definition itself.

18 CALEPA DEPUTY SECRETARY PRASAD: You would have a  
19 room for cumulative emissions, right?

20 MR. SHIMP: Yes. So basically what this -- it's  
21 capabilities what the outputs would be, it could be --  
22 capability of cumulative emissions, cumulative exposure,  
23 and then cumulative cancer risk would be the three outputs  
24 that this would be capable of providing.

25 SWRCB CHAIRPERSON DODUC: One final question.

1 Sorry. It's the engineer in me that used to work on  
2 modeling the risk assessment.

3 Will this tool be undergoing scientific peer  
4 review?

5 MR. SHIMP: Yes. Our plan is that once we have  
6 the results -- we have the model up and running and when  
7 we have developed more ourselves, a comfort level as far  
8 as the results it produces, our plan is to have this out  
9 for peer review, for people to review the approach, review  
10 the input assumptions and review the data that we're using  
11 as part of that.

12 --o0o--

13 MR. SHIMP: And now on to our -- I'm going the  
14 wrong way.

15 Okay then our -- there we go.

16 Our second project has a long name of early  
17 implementation of diesel emission reductions. Well, ARB  
18 has adopted a number of regulations over the last several  
19 years, and has more proposed, to reduce emission from  
20 diesel engine, reduced emissions of diesel exhaust  
21 particulate. And at least it's estimated that 70 percent  
22 of the cancer risk air pollution comes from diesel exhaust  
23 particulate. And one of the things that we thought would  
24 be interesting if we could make it work would be if we  
25 could come up with some ways -- to take advantage of some

1 opportunities to get early implementation of these diesel  
2 emission reduction strategies in the Wilmington area; if  
3 we could partner with some local businesses who would be  
4 interested and take advantage of some of the incentive and  
5 grant programs that are out there to get some early action  
6 on some of these control measures.

7           And we've been in contact with some trucking  
8 companies. We've been in contact with some other  
9 different facilities. And we're trying to get in contact  
10 with some of the local truck driver organizations to see  
11 if we can develop interest. And at least with one  
12 facility so far they're really quite interested in it. So  
13 we'll be meeting with them in the next week or so to see  
14 what we can organize and to see if we can help facilitate  
15 them working with one of these other projects with either  
16 the Port of L.A. or gateway cities or other projects that  
17 are underway to help reduce their diesel emissions.  
18 Because we felt if we could target companies that are  
19 actually in the City of Wilmington that operated there, we  
20 could really peripherentially help that particular  
21 community if we could help target incentive funds into  
22 those areas.

23           CALEPA SECRETARY ADAMS: Dale, when you say help  
24 them, I assume we're talking about funding. And I'm --

25           MR. SHIMP: Actually we're not talking about

1 funding. We're talking about more educating and  
2 facilitating. Because there are programs out there that  
3 are structured -- that are funded by other organizations.  
4 And what we're trying to do is find -- match up  
5 prospective companies who could take advantage of these  
6 programs that are located in the Wilmington area with the  
7 grant funds. So most of these ones we're talking about  
8 now are things funded through the ports themselves or  
9 looking at ways that they could look at the Moyer Program  
10 grants.

11 CALEPA SECRETARY ADAMS: Oh, I was going to ask:  
12 Is the Carl Moyer Program perhaps a source of assistance  
13 here?

14 MR. SHIMP: Yes.

15 CALEPA SECRETARY ADAMS: Okay.

16 --o0o--

17 MR. SHIMP: And just if you aren't familiar with  
18 the -- oops, we're having a technical difficulty.

19 There we go.

20 Just to show -- this is just a picture of the  
21 Port of L.A. area. And there's -- if you get up close,  
22 you can see there's a lot of trucks cued up around the  
23 port area. And one of the things -- another aspect of  
24 this working with the community on diesel reductions is  
25 there are ARB rules -- new ARB rules related to truck

1 idling. And so one of our other parts of this project is  
2 to see, again when we're talking to these different  
3 groups, are there ways that we can raise the awareness of  
4 drivers and distribution center operators about the idling  
5 rules that are out there to try to get better voluntary  
6 compliance.

7 --o0o--

8 MR. SHIMP: This is our third project. And as I  
9 mentioned, described this as a precautionary approach  
10 project, because this was something that really wasn't on  
11 our radar screen when we started, but it was something  
12 that was of a lot of interest and concern to the people  
13 who lived around there. They had concerns about whether  
14 appropriate precaution was being provided in the siting  
15 and zoning and permitting of these large storage container  
16 yards, saying, "Well, we don't know where these things  
17 came from. We don't know what was in them. Is there" --  
18 you know, "what kind of paint is on them, what kind of  
19 cleaning process is undergoing at these facilities." And  
20 so we said, well, since we're trying to take our lead from  
21 what's of interest to the community, we'll look into this  
22 even though we didn't -- we weren't sure whether we'd find  
23 a clear air pollution connection.

24 So the process we went through was to look at  
25 different -- where the container yards were in the area

1 and what were the appropriate regulations that applied to  
2 them. We then worked with the -- Councilwoman Janice  
3 Hahn's office of her staff in terms of looking at new  
4 regulations that would affect these.

5           And we also brought in the City of L.A. Code  
6 Enforcement operation, which we actually after a lot of  
7 work found out was the organization that -- well, I guess  
8 the organ of the City of L.A. -- of the government that  
9 had authority and -- enforcement authority over these  
10 kinds of facilities.

11           So with their help we've identified them. And  
12 they are in the process of -- well, actually did recently  
13 adopt new regulations for new container storage  
14 facilities. But there's still some uncertainty about how  
15 those would apply to existing ones. And then also we're  
16 just starting to look at -- to determine whether there are  
17 any potential environmental impacts from these container  
18 storage yards as far as dust, disease, diesel exhaust,  
19 paint, hazardous waste. Right now we're not sure, but  
20 we're just starting to probe into -- delve into that.

21                               --o0o--

22           MR. SHIMP: Just to give you some idea of the  
23 area there, this is our map again of Wilmington. And if  
24 you look at the purple areas, the purple areas are  
25 locations of current container storage facilities. And if

1 you're not familiar with those areas, we're -- certainly  
2 those purple areas in the northern part of the map there,  
3 those are like 50, 100, 200-acre size facilities with  
4 containers stacked five or six high. So there's literally  
5 thousands and thousands of these containers in those  
6 purple areas.

7           And then the orange area that's marked there,  
8 that is the area that is now -- that has been -- where  
9 they put the limit on, saying that only land within the  
10 orange zone can be allowed in the future to be zoned for  
11 container storage. And there can be no new container  
12 storage outside of the orange area.

13           So that just gives you a feel for how many of  
14 these there are in the Wilmington area.

15                               --o0o--

16           MR. SHIMP: In the course of our local advisory  
17 meeting some other issues came up that we've talked about.  
18 One of them is the -- is methyl bromide fumigation  
19 facilities. And the other is that there are some other  
20 ARB monitoring studies going on at the same time as our  
21 pilot project.

22                               --o0o--

23           MR. SHIMP: There's a lot of interest in methyl  
24 bromide fumigation facilities in the Wilmington area  
25 because there are a number of them in and around the port

1 area. And at least one of those is near housing and an  
2 apartment building. And so they're concerned about what's  
3 coming from these. Again, since these aren't really  
4 directly under our purview, we've been working with the  
5 Department of Pesticide Regulation and the L.A. County  
6 Agricultural Commissioner to address community questions  
7 and concerns about these fumigation facilities. And also  
8 I just learned recently that probably Department of  
9 Pesticide Regulation is going to be doing some modeling  
10 analyses of some of the fumigation facilities located in  
11 the port area.

12 --o0o--

13 MR. SHIMP: There's also three monitoring studies  
14 underway that are of particular interest to us because  
15 they're going to be microscale monitoring studies, and  
16 we're hoping that the results from these studies will help  
17 us at least reality check what comes out of our modeling  
18 efforts. Because these are going to be very high  
19 resolution scale modeling monitoring studies that we can  
20 use to help see if what we predict -- or our model's  
21 predicting seems to at least be realistic compared to what  
22 this is saying.

23 And the first project is called the mobile  
24 platform monitoring study. And that is where they'll have  
25 an instrumented electric vehicle drive around the

1 Wilmington area and look -- and to see how air pollution  
2 varies as it drives through different parts of the  
3 community.

4           There will be a -- and the second project is the  
5 passive sampler study. And what these are are low cost,  
6 really low tech pieces of equipment that you could -- that  
7 don't require any electric power, that you could go up and  
8 set these -- just set these in people's yards really in  
9 very dense networks, conceivably hundreds of these over a  
10 square mile area, and leave these out and then pick them  
11 up a few days later and then look at what the air  
12 pollution was at -- again, at a very high level of  
13 resolution from that monitoring.

14           And then the third project is one that's going to  
15 look at particle monitoring around freeways. Since there  
16 are a number of large freeways in the Wilmington area,  
17 they're going to look at how the particle exposure  
18 decreases as you move away from the freeways.

19           And another thing that I think was an interesting  
20 part of this study is that it's also going to be looking  
21 at sound walls, saying as -- since there are interests if  
22 a lot of times housing is near freeways. So they're going  
23 to look at the question: Well, if they build some kind of  
24 sound wall or a physical barrier between the road and the  
25 housing, would that in any way mitigate the near-source

1 impact? We don't know the answer, and it's been a  
2 question we've received a lot. So as part of this study  
3 they'll investigate that to see if there is anything that  
4 might result from that.

5 --o0o--

6 MR. SHIMP: And with that, just kind of giving a  
7 quick run over what we'll be doing our next steps, is  
8 that -- just by sheer chance we have our next LAG meeting  
9 scheduled for tomorrow night in Wilmington, and we'll be  
10 discussing a lot of these issues I just went through.  
11 We're going to continue working with the community and  
12 through our stakeholders till we complete the projects.

13 And right now I think we'll be in a position to  
14 have some draft report on our projects by the end of 2006.  
15 I think -- well, we certainly will probably not have all  
16 of the work done by then, but certainly far enough along  
17 for people to get a pretty good idea of things we've been  
18 doing and things we've been finding.

19 With that, that's the end of my presentation.  
20 I'll certainly be glad to answer any of your questions.

21 CALEPA SECRETARY ADAMS: Thank you, Dale.

22 This is also really good information. I'm very  
23 impressed with how the Air Board is doing here.

24 On the electric vehicle and the low tech  
25 equipment, exactly what are you monitoring for, what

1 contaminants or -- I'm not a scientist, so I may not have  
2 all the right verbiage. But what is it that these two  
3 types of equipment can monitor for?

4 MR. SHIMP: On this one I'm not really the  
5 project manager for that. I know that for the electric  
6 vehicle project, that it's basically all the criteria  
7 pollutants, ozone, carbon monoxide, NOx, I think some of  
8 the toxic pollutants.

9 On the passive monitors though, I'm not sure  
10 which pollutants they'll be monitoring for with that.

11 CALEPA SECRETARY ADAMS: Okay. Any comments or  
12 questions?

13 Mary-Ann.

14 DPR DIRECTOR WARMERDAM: Just a quick question.

15 You mentioned that in your LAG you have about 20  
16 to 30 people participating. Is there a certain  
17 consistency among those participants so you can kind of --  
18 you can get more -- a thread of common thought coming from  
19 them, or does it vary from meeting to meeting?

20 MR. SHIMP: We've looked at that. And there's a  
21 core group that's probably about 12 to 15 people that come  
22 to every meeting. And it's three or four environmental  
23 people, three or four business people and three or four  
24 local agency people participate. So we think that we do  
25 have some continuity in terms of our membership.

1           But what I'm just really tickled with is that we  
2 are able to get 20 to 30 people on a routine basis and I  
3 guess just to -- what we found is -- I said after the  
4 first two or three meetings, "You can only listen to me  
5 talk about these projects so long before you're just bored  
6 to death." So what we came up with was that now what we  
7 do at the end of the meeting is ask for people who are  
8 attending to suggest environmental topics that they would  
9 like to hear speakers about.

10           So what we do -- and then I do my best to try to  
11 find someone who can come talk on that particular topic at  
12 the next meeting. It may not be anything that we're  
13 working on as far as our pilot projects go, but to keep it  
14 interesting and fresh, that's the approach -- one of the  
15 approaches we've taken to try to keep the interest up and  
16 our participation up in our meetings.

17           CALEPA SECRETARY ADAMS: Okay. Any --

18           ARB DEPUTY EXECUTIVE OFFICER TERRY: Ms.  
19 Secretary?

20           CALEPA SECRETARY ADAMS: Lynn.

21           ARB DEPUTY EXECUTIVE OFFICER TERRY: I just had  
22 one very brief comment, which is perhaps for your benefit.  
23 When we started this two years ago the question about gaps  
24 that Tam raised is -- we had a really easy time because at  
25 the end of the day it became goods movement. So it's been

1 very interesting to see how this exercise really  
2 paralleled the eye-opening exercise of the emissions  
3 impact of goods movement, development of our Goods  
4 Movement Action Plan and the adoption of that in April.  
5 So they have been very much parallel processes, and we  
6 kind of identified the gap immediately.

7           CALEPA SECRETARY ADAMS: Well, good. And I know,  
8 Lynn, you've been very much involved in the development of  
9 the Goods Movement Action Plan, which is due out later  
10 this year, right?

11           ARB DEPUTY EXECUTIVE OFFICER TERRY: (Nods head.)

12           CALEPA SECRETARY ADAMS: Okay. Thank you very  
13 much, Dale.

14           MR. SHIMP: Okay.

15           CALEPA SECRETARY ADAMS: Okay. Now we'll move on  
16 to DTSC West Oakland Project.

17           Kristine Escarda.

18           MS. ESCARDA: Hi. Good afternoon. I'm Kristine  
19 Escarda and I work for DTSC in the Public Participation  
20 Unit.

21           And I know you're running a bit late, so I'll be  
22 as brief as possible. But do feel free to ask questions.

23           OEHHA DIRECTOR DENTON: Can you speak up just a  
24 little?

25           MS. ESCARDA: Oh, sure.

1           Can you hear me better now?  Maybe this wasn't  
2 close enough.

3           (Thereupon an overhead presentation was  
4           Presented as follows.)

5           MS. ESCARDA:  So this project in West Oakland  
6 started out -- first DTSC did some initial public meetings  
7 regarding the DTSC Environmental Justice Action Plan.  And  
8 what came out of that, as well as what we had known over  
9 the years, is that there was a large interest especially  
10 from the community of West Oakland.  Most of the comments  
11 we received -- or a large number of the comments we  
12 received, I should say, were from the community of West  
13 Oakland, as well as -- the reason West Oakland was  
14 selected for the DTSC pilot project was there was a large  
15 number of contaminated sites and potentially contaminated  
16 sites in West Oakland.

17                               --o0o--

18           MS. ESCARDA:  The community -- this area, the  
19 project area we're looking at is the area bounded by the  
20 three freeways, 580, 80, and 680 -- or excuse me -- 980.

21           And in this area, there's a lot of previous  
22 interest in this area, previous interest in DTSC sites.  
23 And this area had a community that was highly active,  
24 involved, very organized at the grass roots level.  And so  
25 this area was chosen to develop a forum, a forum where

1 community members could come and interface with state,  
2 local and federal agencies to discuss environmental  
3 concerns, discuss concerns, learn information. Kind of  
4 one-stop shopping. Instead of going to 10 or 20 different  
5 meetings to find out about different issues and different  
6 concerns, could go -- a forum that would address things on  
7 a broader basis.

8           Individual site cleanups, each have public  
9 comment periods, and that works really well for individual  
10 sites. This forum -- this idea for the forum was created  
11 so that the community and the state, local and federal  
12 agencies could look at sites on a regional basis in a more  
13 holistic manner.

14           And then historically this area is very heavily  
15 impacted by industry and historical industrial practices.  
16 There's lots of legacy contamination, a lot of things that  
17 are unknown from the past. And a heavy concern among the  
18 community members over what is their -- what's beneath  
19 them, what's next door to them.

20           And the community has a strong sense of identity.  
21 It's an historically African American community, and very  
22 strong sense of identity in their community and commitment  
23 to their area, and a fear of what's going to happen as  
24 this area is developed in the future, future land-use  
25 planning, future impacts from development, and as one --

1 several of the community members put it to me,  
2 government-assisted gentrification. So gentrification as  
3 an intended consequence of environmental cleanup.

4           So with that background of concerns, DTSC went to  
5 the community. And one way of forming this local advisory  
6 group is contacting everybody who's potentially  
7 interested, many stakeholder groups, and getting them  
8 together to form a group. We were told by several  
9 different community groups and community forums that  
10 rather than creating one separate local advisory group, to  
11 do this in partnership with things that were already in  
12 existence with the community.

13                               --o0o--

14           MS. ESCARDA: So we had previously -- DTSC had  
15 developed with the input through the Environmental Action  
16 Plan, input for those meetings and project goals, working  
17 in partnership with the community, enhancing the role of  
18 the -- the community's role in the federal, state and  
19 local decision making, building community -- the  
20 capacity-sharing information, sharing tools, sharing  
21 resources. For lay people such as myself, to get their  
22 arms around the environmental cleanup process and the  
23 labyrinth of agencies that one must go through to address  
24 a specific issue or find out even information about a  
25 specific issue, it's quite time consuming and arduous for

1 a layperson to understand.

2           And then we wanted to get a sense of what are the  
3 community's priorities for clean up of properties. And  
4 the community wanted to get a sense of which are the sites  
5 that are high priority, low priority for people to follow  
6 and have input in.

7                               --o0o--

8           MS. ESCARDA: And then ultimately returning the  
9 properties that have contamination or suspected  
10 contamination back to productive use for the community.  
11 And it should be noted here that the -- sometimes the  
12 definition of government and the definition of the  
13 community as to what productive use constitutes can be  
14 very different.

15           So we went to a group, that I'll talk a little  
16 bit about in a future slide, called the West Oakland  
17 Environmental Indicators Project, originally organized  
18 grassroots group of community members forum that is now  
19 part of a nonprofit, the Pacific Institute. And they have  
20 an effort, an endeavor that they've been working on for a  
21 number of years with the U.S. EPA called the West Oakland  
22 Toxics Reduction Project. And a number of our high level  
23 staff participated in various tours and meetings of this  
24 group, and we presented the idea of forming the local  
25 advisory group. We were told by the collaborative -- the

1 folks in the collaborative, "Please don't create another  
2 group. Why don't you consider working this" -- "forming  
3 this local advisory group as a work group of the West  
4 Oakland Toxics Reduction Collaborative." So that's the  
5 direction we went with this.

6           And so we formed a partnership after  
7 going -- after it was approved by CalEPA and this body and  
8 our staff to sign a partnering agreement with the West  
9 Oakland Environmental Indicators Project. We developed  
10 a -- first we had an internal team that was very diverse.  
11 But then we brought together the team of the folks with  
12 the Environmental Indicators Project to create -- in the  
13 creation of the local advisory group. So we didn't create  
14 the local advisory group and bring people in. We went out  
15 and created the local advisory group with -- in  
16 partnership with these -- with the community members.

17           And so these outcomes that you see are created as  
18 a partnership with this group, developing criteria to  
19 evaluate sites for cleanup; working in partnership with  
20 the community; applying the criteria developed to  
21 prioritize sites -- and that's for the state-funded  
22 cleanup -- and making certain the community is aware of  
23 projects and cleanup activities of DTSC, of other CalEPA  
24 boards, departments and office; and even -- in addition to  
25 this, City of Oakland has also been involved in sharing

1 their efforts and endeavors in the community of West  
2 Oakland with the community members through this group.  
3 And then monitoring the ongoing cleanup activities.

4 --o0o--

5 MS. ESCARDA: So in our partnership, as I  
6 mentioned, we have the California Environmental  
7 Protectioncy, DTSC, the San Francisco Bay Regional Water  
8 Quality Control Board, the Air Resources Board, Integrated  
9 Waste Management Board. I want to thank the members of  
10 this group for allowing their staff time and resources to  
11 participate in this effort.

12 And then the big player has been the West Oakland  
13 Environmental Indicators Project's Toxics Reduction  
14 Collaborative and other community members.

15 Also I want to thank the United States  
16 Environmental Protection Agency. They've participated in  
17 every step of this process.

18 City of Oakland's been extremely helpful. And we  
19 have local developers, community members, community groups  
20 and local business owners as members.

21 There's about 18 individuals who come -- who  
22 participate very, very regularly and then other folks that  
23 participate as they can. And they're a mix of these folks  
24 that are these categories listed.

25 --o0o--

1 MS. ESCARDA: And as I was talking about the West  
2 Oakland Toxics Reduction -- Reduction Collaborative, they  
3 have a number of goals -- eight goals that they've created  
4 over their three- to five-year process through their work  
5 under a U.S. EPA grant. And if you notice from our goals,  
6 three of the goals of the collaborative dovetail with the  
7 goals in the pilot project. And so those three goals are  
8 reducing exposure from toxic sources, strengthening and  
9 improving relationships and coordination between public  
10 agencies and the local community, and building their  
11 community's capacity to understand and participate in  
12 environment -- and provide valuable input into  
13 environmental cleanup decisions.

14 --o0o--

15 MS. ESCARDA: So to date, we've formed a local  
16 advisory group in partnership, as I mentioned. In this  
17 group there's also a couple committees: A criteria  
18 committee and a site committee. And the criteria  
19 committee, really they're -- they started out to just  
20 create a list of criteria. The community's interested.  
21 But the focus has gone on to creating actual -- their  
22 current focus is creating a tool for community members to  
23 use to understand how one goes to find information about,  
24 give input to and address suspected environmental  
25 cleanup -- or environmental contamination in their

1 neighborhood.

2           And Caren is passing out -- this is a draft of a  
3 road map that the community has worked on. It started out  
4 as an in-house project. And this is going to be the cover  
5 page. There's also going to be phone numbers, contacts,  
6 questions for community members to ask.

7           And an example of where this was needed was, some  
8 of the community members in our group, they suspected --  
9 they knew -- they lived next door to a service station  
10 that was there historically in the 1950s. And when they  
11 asked about it in relationship to a project that was a  
12 local project, they were told, "Oh, no, no, no. There was  
13 nothing there. We have no evidence of it." But they knew  
14 about it because they lived next door to it. They went  
15 in, and it was more than just gasoline. There was also a  
16 service station in the back. So they suspected some  
17 contamination and wanted to find out about it and wanted  
18 to bring this to the attention of the local entities  
19 approving a project and wanted to get some samples taken;  
20 and so in working with some of our folks, actually  
21 separate from our activities as the local advisory group,  
22 met off line with some of our staff that they developed a  
23 good rapport with to just understand where to go, what  
24 questions to ask, knowing that the thing they needed to  
25 ask for was a Phase 2 assessment. The average lay



1 our database publicly accessible on the website. And that  
2 program is called EnviroStor. Our planning group in our  
3 local advisory committee was one of the first groups to  
4 actually look at this -- look at this before it went  
5 public and gave us some input on "Does this make sense to  
6 the community?" And gave very valuable input on language  
7 to use, terms to use, and things to add.

8           If you notice up on this screen, there's a large  
9 button that says community involvement. And that was a  
10 result of input from the community. One can click on  
11 that. If you click on this button -- this is one site  
12 that's in West Oakland -- another screen comes up with  
13 what current community involvement documents. So the  
14 current community involvement document on this is a  
15 community survey. So somebody could search the database  
16 for their zip code, see the community involvement, click,  
17 without having to read all small print, and then click on  
18 the community survey and give input.

19   --o0o--

20           MS. ESCARDA: So just in conclusion, our  
21 observations in this project has been we've noticed that  
22 navigating and coordinating the various levels of  
23 government, as you see through this, it's very complicated  
24 for a community member.

25           And then another thing we've learned is that

1 effective community participation on complex issues really  
2 requires continuity of community membership.

3 And do you have any questions?

4 CALEPA SECRETARY ADAMS: Thank you very much,  
5 Christine.

6 I'm curious. One of the anticipated outcomes is  
7 identifying and prioritizing sites. And I'm curious as to  
8 whether any cleanup activities were already underway by  
9 the state in this area.

10 MS. ESCARDA: Actually a number of them, and  
11 Caren's going to talk about that.

12 CALEPA SECRETARY ADAMS: I assumed that there  
13 probably was some activity going on with the state in some  
14 sites in this area.

15 DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF  
16 TRGOVCICH: I'm Caren Trgovcich With DTSC. Thank you very  
17 much.

18 Yes, we had a number of sites in the West Oakland  
19 area that we'd been addressing off and on over the years.  
20 However, that's just the tip of the iceberg. And one of  
21 the reasons why the community was so interest in this  
22 project was because they didn't necessarily feel that the  
23 state activity that was taking place in their neighborhood  
24 reflected their priorities for cleanup. And so what they  
25 were really hoping to get out of this project was a way to

1 sit down with, be it the DTSC or the regional board or any  
2 other regulatory entity, to be able to sit down and have a  
3 conversation about what was important to them, how to  
4 evaluate their priorities in the community, and set the  
5 state priorities or assist in setting the state priorities  
6 for cleanup.

7           So we had activities underway. But many are yet  
8 to be undertaken through this prioritization process.

9           CALEPA SECRETARY ADAMS: Thank you.

10           So that helps explain how you chose this area.  
11 And I think it's a really good pilot project area. It  
12 sounds like there's a lot of work to do in that area.

13           Any comments or questions?

14           Tam.

15           SWRCB CHAIRPERSON DODUC: Caren, when you  
16 mentioned lots of activities, were you referring to just  
17 the DTSC sites or also the regional water board? Does the  
18 regional water board have sites in this area, I guess is  
19 the question?

20           DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF  
21 TRGOVCICH: Yes, the regional water board certainly has  
22 sites in this area. And they've actually been very active  
23 in the local advisory group. They've come to our  
24 meetings. They've been a very involved participant. The  
25 Wood Street site, for example, is one of the sites that

1 this community is very interested in, Right in the  
2 neighborhood there. So the project manager, Mark Johnson,  
3 his supervisor, his supervisor's supervisor has come to  
4 some of the meetings. And I think that they've seen their  
5 process turn into being a much more effective process for  
6 that reason.

7 SWRCB CHAIRPERSON DODUC: I think this is an  
8 excellent showcase for improving public participation and  
9 community capacity building. I am curious if there are  
10 plans to link this pilot project to the precautionary  
11 approach and cumulative impacts work that is also going  
12 on.

13 DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF  
14 TRGOVCICH: Absolutely. We are in discussions with the  
15 community looking at various types of impact that the  
16 community is interested in. Chris mentioned that this is  
17 a part of the larger Environmental Indicators Project West  
18 Oakland Toxics Collaborative. That collaborative has been  
19 primarily focused actually on trucking and the impacts  
20 associated with the heavy truck patterns within the West  
21 Oakland community, the particulates, the health impacts,  
22 the noise issues. So they're very interested in being  
23 able to take this pilot and to be able to build the  
24 experience of this pilot on to the other work that they're  
25 doing relative to the transportation industry in their

1 community.

2           So we certainly see opportunities there,  
3 opportunities with respect to other types of contaminated  
4 sites as well, being able to look at the various types of  
5 contaminants present in the West Oakland community, what  
6 types of impacts are they being exposed to from the  
7 industries, to the daily use patterns. And then I think  
8 that this pilot is a manifestation of an ability -- or an  
9 attempt to integrate caution into what we do, to begin to  
10 identify those sites up front. Part of what these  
11 community members do is they bring to us information which  
12 we don't have, they assist us in prioritizing sites that  
13 may not have warranted state involvement in the past.

14           So we're looking forward to the guidance that  
15 will come from the cumulative impacts and precautionary  
16 work groups that are going on.

17           But we do see it being integrated, yes.

18           CALEPA SECRETARY ADAMS: Mary-Ann.

19           DPR DIRECTOR WARMERDAM: It's my recollection one  
20 of the concerns that you had initially was the level of  
21 mistrust in the community. At this point are you feeling  
22 any change in that sentiment? Is the efforts you've done  
23 so far making a difference?

24           MS. ESCARDA: Absolutely. And I think that's  
25 probably our most significant accomplishment, is turning

1 around from an attitude and a mind-set of distrust of an  
2 adversarial relationship to trusting colloquial  
3 relationships between us and various community members and  
4 other agencies. And especially City of Oakland and the  
5 Water Board and various community members, the  
6 communication is much better. That's probably the most  
7 significant accomplishment. It's hard to quantify  
8 scientifically, but that's probably our biggest -- our  
9 biggest accomplishment to date.

10 CALEPA SECRETARY ADAMS: John.

11 OPR DEPUTY DIRECTOR FILLMORE: One, I wanted to  
12 again echo giving kudos on involving the community or  
13 having the goal to involve the community. And I would be  
14 very interested in seeing the finalized version of your  
15 road map guide for community members. Although I know it  
16 takes at least a dozen revisions for any government  
17 document to be finalized.

18 The other question I had is, given your goal of  
19 getting the community more involved -- say you were to  
20 start this project again tomorrow in Stockton or Anaheim  
21 or anywhere else in the state. Is there anything you  
22 would do different from a strategy perspective as far as  
23 building that trust with the community and providing means  
24 for the local community to get more involved?

25 MS. ESCARDA: Well, I would say probably building

1 in more time up front to develop the relationship not  
2 being as -- although we are on track to meet our timeline  
3 goals -- but appreciating that it takes a long time to  
4 build that relationship, build the trust, have the  
5 meetings. Whether it's one on one or group meeting, to  
6 build in the time up front to develop the rapport.

7           And another thing that this community has asked  
8 for is they're real interested in putting a townhall  
9 meeting or two to release this when it goes final. And of  
10 course that would be after December 2006.

11           DTSC STATEWIDE CLEANUP OPERATIONS DIVISION CHIEF  
12 TRGOVCICH: I would just like to add to what Chris said,  
13 that one of the things that I noticed through working with  
14 this community is that this is our full-time job. We come  
15 to work everyday. What we do is we protect the  
16 environment, we study things, we implement cleanups, we  
17 provide information. These community members have their  
18 own full-time jobs, and it's not -- it's not what we do.  
19 And so to be able to -- and walk into any other community  
20 at the outset to provide them with the tools that they  
21 need so that they can spend the time that they need to  
22 spend to understand our issues and to be an active player,  
23 so that they're not constantly juggling. They will juggle  
24 regardless, but so that they have a little bit more  
25 control over their time and their ability to be able to

1 come to meetings, which they want to do but they may have  
2 competing priorities.

3 MS. ESCARDA: And members of this community group  
4 through the Environmental Indicators Project did apply for  
5 and receive a grant from CalePA to help them in this  
6 effort. So thank you for whoever made the decisions to  
7 grant them.

8 CALEPA SECRETARY ADAMS: Okay. Thank you very  
9 much, Christine and Caren. Thank you. I thought that was  
10 great.

11 We are running behind schedule. And I know we  
12 have a lot of people who traveled a long ways to talk  
13 about the Midway Village Project. So what I'd like to do  
14 is actually speed up the next two presentations on  
15 precautionary approaches and cumulative impacts. I'm  
16 going to have those on the agenda of the October -- what's  
17 the date? -- October 13 CEJAC meeting where we can spend  
18 some more time on those issues.

19 But I would like Eric and John then to give us a  
20 five-minute presentation on those two issues.

21 MR. BISSINGER: Now or at the next meeting?

22 CALEPA SECRETARY ADAMS: Five minutes now. And  
23 then we'll have you back at CEJAC where we can spend some  
24 more time, because we've got a long meeting on the 13th  
25 also.

1           MR. BISSINGER: Okay. I'm Eric Bissinger with  
2 the California Waste Management Board. And the EJ Action  
3 Plan gave the Waste Management Board five objectives to  
4 accomplish.

5           And the first objective was to complete -- was  
6 completed in 2005 when the Interagency Working Group  
7 approved the definition for the precautionary approach.  
8 So I was going to read it, but I'll go ahead and skip over  
9 that.

10           (Laughter.)

11           CALEPA SECRETARY ADAMS: Is it a long definition?

12           MR. BISSINGER: No, it's not that long.

13           CALEPA SECRETARY ADAMS: Go ahead and read it.

14           MR. BISSINGER: Okay. For this project the  
15 precautionary approach means taking anticipatory action to  
16 protect public health or the environment if a reasonable  
17 threat or serious harm exists based upon the best  
18 available science and other relevant information, even if  
19 absolute and undisputed scientific evidence is not  
20 available to assess the exact nature and extent of the  
21 risk.

22           Okay. The second objective was to create an  
23 inventory of CalEPA programs that are precautionary or  
24 preventative in nature. To complete this task CIWMB staff  
25 convened a precautionary approach inventory working group

1 consisting of representatives from each BDO within CalEPA.  
2 Each BDO has compiled their respective inventory of  
3 precautionary and/or preventative programs. And soon  
4 CIWMB will be disseminating these inventories through the  
5 EJ list-serve and make them available on our website.

6           We have a final three closely related objectives.  
7 And these include evaluating whether additional precaution  
8 is warranted, identifying reasonable cost effective  
9 approaches, and developing guidance on precautionary  
10 approaches.

11           To complete these tasks the Waste Board will seek  
12 extensive internal and external stakeholder input. The  
13 input received will be utilized to develop a guidance  
14 document on precautionary approaches.

15           To initiate the development of the guidance  
16 document, we will host two to three public forums. Staff  
17 has identified willing speakers with industrial,  
18 governmental, and academia backgrounds to make  
19 presentations on successfully implemented precautionary  
20 approach programs.

21           Comments received at the forums and a subsequent  
22 60-day public comment period will be organized into a  
23 draft guidance document on precaution. So we're going to  
24 develop a draft. After the draft is developed, CIWMB will  
25 host an additional round of open forums to evaluate the

1 draft document and receive additional input.

2           The Waste Board has also been assigned to focus  
3 on precaution-related activities for the other pilot  
4 projects identified in the EJ action plan. And CIWMB has  
5 been and will continue to work cooperatively with the  
6 pilot project managers through the completion of each  
7 pilot project.

8           So that concludes my update.

9           CALEPA SECRETARY ADAMS: What's your timeline,  
10 Eric, on the public workshops and the development of the  
11 guidance document?

12           MR. BISSINGER: Well, first we want to get the  
13 inventories out, because I think that's going to be a  
14 significant portion of the workshops. And do that first.  
15 So I wanted to give a presentation maybe at the executive  
16 director's meetings, just to give them a heads-up on what  
17 is inside each individual inventories for each BDO. And  
18 then from there we'd like to move into the workshops. And  
19 I imagine we'll start doing that some time early next  
20 year.

21           CALEPA SECRETARY ADAMS: Okay. And then when do  
22 you expect to have a guidance document?

23           MR. BISSINGER: I'm hoping to have that done  
24 by -- it's probably -- hopefully summer of next year. And  
25 then start moving to completing it towards the end of next

1 year.

2 CALEPA SECRETARY ADAMS: Okay. Thank you.

3 Any questions?

4 Tam.

5 SWRCB CHAIRPERSON DODUC: Quick question.

6 Do you anticipate releasing the inventory as a  
7 draft document for public comment or as a final document,  
8 which then leads to the workshop to prepare the guidance?

9 MR. BISSINGER: Yeah, it's -- I think the  
10 inventories are intended to be a draft, a working type  
11 document. So if there's -- once I do disseminate them, if  
12 there's programs missing that we didn't identify or  
13 there's some questionable programs, if they're  
14 precautionary or not, at that point we could add them or  
15 take them out or expand on them or, you know, get more  
16 information on each.

17 SWRCB CHAIRPERSON DODUC: I guess my question as  
18 related to the Secretary and members of this group in  
19 terms of whether the IWG would like to have inventory back  
20 to us for approval, or is it something that we would want  
21 to delegate to the staff to finalize?

22 CALEPA SECRETARY ADAMS: What's the feeling of  
23 the work group on that? I think I'd like to see a draft  
24 document.

25 ARB DEPUTY EXECUTIVE OFFICER TERRY: Yeah, I was

1 certainly going to weigh in to say it's a really important  
2 topic that we would want to have public discussion on  
3 through this group.

4 CALEPA SECRETARY ADAMS: Okay.

5 Okay. Mark, did you want to add anything?

6 DTSC EXECUTIVE DIRECTOR LEARY: Only that, Madam  
7 Secretary, the leadership of this organization has evolved  
8 significantly since this whole effort was started. So I  
9 think -- I echo the sentiment that it's probably better  
10 that the new leaders of these organizations become  
11 familiar with what their own organizations have prepared.

12 CALEPA SECRETARY ADAMS: Okay, great. Thank you.

13 Thank you, Eric.

14 MR. BISSINGER: Thank you.

15 CALEPA SECRETARY ADAMS: Okay. John.

16 (Thereupon an overhead presentation was  
17 Presented as follows.)

18 OEHHA TOXICOLOGIST FAUST: All right. Five  
19 minutes, huh.

20 Okay. I'm John Faust. I'm a toxicologist with  
21 OEHHA, the Oakland office. And I'm giving the update on  
22 cumulative impacts efforts.

23 The EJ Action Plan identified five different  
24 phases for the rolling out of the cumulative impacts  
25 guidance development effort. The first was to develop a

1 working definition by early 2005. That was completed.

2 --o0o--

3 OEHHA TOXICOLOGIST FAUST: The definition  
4 essentially required that cumulative impacts consider  
5 exposures, public health and environmental effects from  
6 all sources of environmental pollution within a geographic  
7 area, and also to take into account socioeconomic factors  
8 and sensitive populations to the extent that data allow.

9 Phase 2, which was projected to be completed in  
10 2005, was to inventory science-based tools, protocols and  
11 studies related to the evaluation of cumulative impacts  
12 and to determine gaps in existing methodologies.

13 This phase has also been completed. We've  
14 compiled a very large database of relevant studies,  
15 including existing guidance and policies and  
16 recommendations regarding --

17 CALEPA SECRETARY ADAMS: When was that completed,  
18 John?

19 OEHHA TOXICOLOGIST FAUST: Middle of last year.  
20 I mean completed is somewhat relative because it's a very  
21 complex field and, you know, there continue to be relevant  
22 studies that do come out.

23 And along the way I have reported on those  
24 findings at CEJAC meetings over the past couple of years.

25 SWRCB CHAIRPERSON DODUC: Quick question, John.

1           Did this inventory show that the BDOs are  
2   currently using some new cumulative impact tools? Are  
3   there any tools that we are aware of that we are actually  
4   implementing and using?

5           OEHHA TOXICOLOGIST FAUST: Well, there are  
6   certain tools related to risk assessment that do address  
7   cumulative risk. I mean this definition sort of takes it  
8   in a slightly different direction by considering  
9   exposures, health and environmental effects from all  
10   sources. But programs like the Air Toxics Hot Spots have  
11   taken into account exposures to multiple pollutants at the  
12   same time, and also looked at multimedia elements,  
13   although traditionally from air source origins.

14           Does that make sense?

15           SWRCB CHAIRPERSON DODUC: Not really. But let's  
16   go on.

17           (Laughter.)

18           CALEPA SECRETARY ADAMS: John, speak more  
19   directly into the mike.

20           OEHHA TOXICOLOGIST FAUST: Oh, I'm sorry.

21           CALEPA SECRETARY ADAMS: Okay. There you go.

22                               --o0o--

23           OEHHA TOXICOLOGIST FAUST: Okay. So Phase 3 was  
24   to complete a preliminary cumulative impacts analysis for  
25   pilot projects. And that's what I would call partially

1 completed. And I'm going to talk a little bit more about  
2 that later.

3 We've begun preliminary work related to one of  
4 the specific pilot projects, namely, that going on in  
5 Parlier that Randy Segawa from DPR presented earlier.

6 There were no milestones in the action plan for  
7 cumulative impacts for Phase 4. And Phase 5 was to  
8 develop guidance or recommendations on cumulative impacts  
9 analysis and explore regulatory or implementation options  
10 in late 2005.

11 Activities related to this phase are ongoing and  
12 have involved getting stakeholder input on what specific  
13 roles OEHHA might take in the development of guidance or  
14 recommendations.

15 OEHHA DIRECTOR DENTON: That last one was late  
16 2006.

17 OEHHA TOXICOLOGIST FAUST: Oh, yes. I'm sorry.  
18 Late 2006, which is fast approaching.

19 So at a previous meeting of the EJ Advisory  
20 Committee I identified shorter term and longer term  
21 approaches to cumulative impacts assessment. The short  
22 term has been to focus on existing data sources regarding  
23 environmental pollution.

24 These data sources should be useful for  
25 characterizing pollution threats across California. And



1 drinking water and indoor air issues.

2 --o0o--

3 OEHHA TOXICOLOGIST FAUST: Data sources also fall  
4 into categories that represent a range of usefulness for  
5 actually coming to terms with potential health effects.  
6 They include:

7 Use or source inventories, which describe where  
8 toxic substances are stored or used but don't necessarily  
9 represent places where exposures occur.

10 Emissions inventories describe data in terms of  
11 the release of hazardous materials into the environment.  
12 And again this doesn't necessarily mean that exposures are  
13 occurring. But since the agents are known to be released,  
14 the level of concern is raised.

15 Exposure assessments, including those that are  
16 estimated based on modeling, come closer to the type of  
17 information that could be more readily used for health  
18 assessments. They provide information about the degree  
19 and type of contact between a given toxicant and people.

20 And dose assessments are the best type of  
21 information, that give the highest degree of confidence  
22 that exposures have occurred. An example is  
23 bio-monitoring information. But that type of information  
24 is relatively rare.

25 Government and scientific reports also contain

1 data that can be useful. An example would be identifying  
2 population characteristics based upon, say, the U.S.  
3 Census Bureau information.

4 --o0o--

5 OEHHA TOXICOLOGIST FAUST: So here are a few  
6 examples of statewide data sources. There's -- actually a  
7 database here I think represent each of the boards and  
8 departments.

9 The emissions inventory that's maintained by the  
10 Air Resources Board is a source of information regarding  
11 point and mobile sources.

12 DTSC's EnviroStor database keeps track of  
13 properties in California where hazardous substances have  
14 been released or where there's a potential for release,  
15 the so-called brown fields.

16 The Waste Board keeps the solid waste information  
17 system on solid waste facilities, operations and disposal  
18 sites.

19 And there's also a pesticide use reporting as  
20 well as inventories of leaking underground storage  
21 tanks -- underground storage tanks and issues related to  
22 public sources of drinking water.

23 --o0o--

24 OEHHA TOXICOLOGIST FAUST: So since cumulative  
25 impacts incorporates environmental pollution from all



1 border around the community, primarily for purposes of  
2 inventorying pesticide use in that area.

3           So we've used the same area to look for other  
4 potential sources of information that might tell us  
5 something about cumulative impacts.

6           I would say that the study boundary does include  
7 a few other communities in the vicinity. So it's not just  
8 one city.

9                               --o0o--

10           OEHHA TOXICOLOGIST FAUST: So I went through some  
11 data sources before, and these are just the same ones.  
12 Although I've added the hazardous waste handlers  
13 maintained by U.S. EPA's RCRA program.

14                               --o0o--

15           OEHHA TOXICOLOGIST FAUST: So as we saw in Dale  
16 Shimp's presentation regarding the Wilmington project,  
17 mapping is a very powerful tool for showing how potential  
18 sources of pollution may vary across geography. So we use  
19 geographic information system to map some of the point  
20 sources. And I should say this is a preliminary effort.  
21 And this map shows the same geographic boundary but  
22 without the satellite image. And the icons here represent  
23 facilities that report air emissions to the Cedars  
24 database, U.S. EPA's toxic release inventory, solid waste  
25 sites, underground fuel tanks and underground storage

1 tanks, ground field sites as well as hazardous waste  
2 handlers.

3           So in many cases the threat is to -- more than  
4 just to the air but also to the soil and water.

5           And I'd like to emphasize that this map is  
6 preliminary and isn't intended to make conclusions about  
7 specific areas where disproportionate cumulative impacts  
8 are occurring. In each case we need to dig deeper to know  
9 the extent to which each point really contributes to  
10 potential health or environmental effects. That is, each  
11 point on the map isn't equal. So a large part of our task  
12 is to find objective, understandable and scientifically  
13 sound ways to express this information as well as it's  
14 limitations.

15   --o0o--

16           OEHHA TOXICOLOGIST FAUST: So some of our  
17 concerns when looking at these data sources are:

18           The relevance. That is, does the data source  
19 provide information that's useful in coming to terms with  
20 a public or environmental health threat?

21           Are the data quality good? Are they complete?  
22 Is anything missing? Has the information been updated  
23 recently?

24           And also the issue of sensitivity. That is, does  
25 the data source tell us something about one specific area

1 that it doesn't tell us -- or that is different from a  
2 different area? So that's something that we'd keep in  
3 mind when we're looking at this type of information.

4 --o0o--

5 OEHHA TOXICOLOGIST FAUST: So just quickly in  
6 terms of goals:

7 We're providing this type of assistance in at  
8 least this pilot project for now.

9 We're continuing outreach to stakeholders to  
10 identify where this project should go.

11 And working towards the development of the  
12 scientific basis for guidance and cumulative impacts  
13 analysis.

14 And that's all for now.

15 CALEPA SECRETARY ADAMS: Does that conclude your  
16 statement, John?

17 OEHHA TOXICOLOGIST FAUST: Yes.

18 CALEPA SECRETARY ADAMS: Thank you very much.  
19 That sounds like a pretty tremendous effort.

20 I'm curious as to how many people in our OEHHA  
21 office are working on this. Joan, do you --

22 OEHHA DIRECTOR DENTON: John is the --

23 CALEPA SECRETARY ADAMS: My one BDO that has to  
24 live off General Fund and not feed revenues.

25 OEHHA DIRECTOR DENTON: John is the person

1 working on cumulative impact. And we have to pull him off  
2 to work on other projects. So I would say we're not --  
3 well, we contribute as much as we can, but it's  
4 probably less than one PY.

5 CALEPA SECRETARY ADAMS: Thank you. It's really  
6 quite an effort. And considering we have less than one PY  
7 working on it, I think you've done a great job thus far.

8 Any other comments or questions?

9 Thank you very much, John. And we'll see you on  
10 October 13th, right?

11 OEHHA TOXICOLOGIST FAUST: Right.

12 CALEPA SECRETARY ADAMS: Thank you.

13 Okay. Before we take a quick break we will take  
14 public comments.

15 And our one person who would like to speak is Joe  
16 Lyou.

17 So now we'll find -- you're it. Now we'll find  
18 out how we're really doing.

19 ADVISORY COMMITTEE CHAIRPERSON LYOU: I figured  
20 everyone would want to speak.

21 Hi. Joe Lyou, Executive Director, California  
22 Environmental Rights Alliance, and coincidentally at this  
23 point Co-chair of the California Environmental Justice  
24 Advisory Committee. But I want to make clear that I'm  
25 speaking as my position for the organization I work with

1 and not as the member and Co-chair of CEJAC.

2           One thing that struck me was that some of the  
3 presentations did seem to be geared around what were the  
4 goals that were established through the CEJAC and IWG  
5 process, where we came up with a one-pager of goals. And  
6 this Working Group then approved them. Let me find it.

7           And some of the other presentations didn't do  
8 that, which made it a little bit hard for me to judge the  
9 relative success so far of the projects.

10           And those goals were -- there were six of them.  
11 And some of the things were such as projects should be  
12 community driven, the project should advance precautionary  
13 approach, should advance the assessment and reduction of  
14 cumulative impacts, the project should include extensive  
15 public participation, they should have policy  
16 ramifications. And then the last one is that they should  
17 identify where a modest amount of extra effort could  
18 improve the response to multimedia impacts.

19           And I guess it's sort of -- I think the message  
20 I'd take back from today, this update, which was very  
21 useful, was that there was I think mixed progress in that  
22 regard.

23           It would have been very helpful -- and I know  
24 that this meeting got scheduled quickly, in part because  
25 we were really asking for it. But it would be really nice

1 that at the next meeting or at the CEJAC meeting that we  
2 have updates from participants and their local advisory  
3 groups, because I presume that most of the people here  
4 today are from Midway and not people who are actually  
5 participating in the local advisory group process.

6 Is there anyone here participating in the local  
7 advisory group process? I don't think so.

8 Right. But you don't have one in Fort Ord.

9 So I -- I have participated in several of the ARB  
10 ones in Wilmington. And I have unfortunately not been  
11 able to attend the last couple of them because of family  
12 commitments. But I think that we don't have feedback from  
13 members of those groups. And it would be very useful to  
14 get their perspectives.

15 There was a recommendation from our Advisory  
16 Committee on Environmental Justice that agencies not  
17 conduct their risk assessments and also then make risk  
18 management decisions. And I'm fearful that DPR's health  
19 screening levels as an instance of where that's happening.  
20 I think it should be considered whether or not those  
21 health screening levels -- how they're done and whether or  
22 not there's a potential conflict there for making both the  
23 risk management decisions of issuing permits and then also  
24 establishing the health screening levels.

25 I'm going to go off my notes a little bit here.

1           I think one of the criteria that we had talked  
2 about was whether or not the communities were going to be  
3 better off at the end of these pilot projects. And I  
4 think in some cases they will be and maybe in some cases  
5 they won't. For example, at ARB, the container issue that  
6 came up and repeated meetings about the problems with  
7 these container yards. I think you made real progress and  
8 I congratulate ARB in helping deal with that problem,  
9 working with the city to do that. I think the community  
10 is going to be better off because of it.

11           I also think that in considering the  
12 environmental impacts you have to look at blight, because  
13 that isn't an environmental impact.

14           And on the other hand, when ARB -- I mean, Dale,  
15 I'm not going to, you know, say -- to me this is, Dale,  
16 kind of off-the-cuff sort of comment -- that ARB didn't  
17 have some sort of a role in dealing with the fumigants. I  
18 believe that's wrong. I believe that ARB has a really  
19 important role in establishing air toxic control measures  
20 and that methyl bromide would be something that you would  
21 expect them to have, an air toxic control measure that  
22 would limit the amount of fumigants that would be in the  
23 community of Wilmington related to the spraying of these  
24 containers.

25           Let me go down here. Let's see, DTSC's -- the

1 map of the property discovery road map, I think really is  
2 a very good illustration of how complicated it is to do a  
3 good job of discovering and identifying contaminated  
4 sites. And I've worked with a lot of the agencies here at  
5 this table for many years trying to do that. And I think  
6 that one of the things that I didn't hear happening was  
7 that any of the work occurring with insurance companies,  
8 because I think insurance companies -- I mean they have  
9 the financial motive to make sure that these sites are  
10 identified and are -- the historic uses are identified  
11 properly.

12           So I would encourage DTSC to reach out to  
13 insurance companies to see what methods they use and if  
14 there's anything they can add to this process. And you  
15 might actually find a meeting of the minds and a common  
16 motive to identify contaminated sites, so the insurance  
17 companies aren't on the hook and that DTSC does its job  
18 properly, and the regional boards.

19           I was very surprised to hear of a precautionary  
20 work group occurring internally within the agency. It's  
21 the first I've heard of it. And that there's been a draft  
22 inventory report and intention to come up with a guidance  
23 document. As I pointed out early, the goals included,  
24 there should be extensive public participation. And as  
25 someone who's been actively involved in this process

1 throughout the entire EJ Action Plan -- well, the  
2 recommendations of the EJ strategy, the EJ Action Plan  
3 process and everything else, I have not heard anything  
4 about this type of progress or this type of work being  
5 done.

6           And I have a concern that it's all being done  
7 internally and not being grounded with those of us who at  
8 least expressed an interest, and not more, with reaching  
9 out to other people who may have an interest. I don't see  
10 how that approach is community driven or includes  
11 extensive public participation.

12           I'm encouraged to hear that there's going to be  
13 public outreach that's going to occur. But I'm afraid  
14 that if you go too far without doing that public outreach  
15 and without tapping into the resources of the community  
16 members and the other experts and other stakeholders, that  
17 you might find you get set back to step 1, which I think  
18 ARB found out when it first tried to develop an EJ Action  
19 Plan and policy way back in 2001.

20           And I think this is a general thing. I'll  
21 mention it in the context of the OEHHA presentation on  
22 cumulative impacts. But the commitment was to identify  
23 not only guidance but also to identify recommendations for  
24 policies and statutory changes if necessary. And I think  
25 the comment maybe was unintentional, because there was a

1 slash between -- guidance slash recommendations, and the  
2 presenter said "or". To us it's very, very important.  
3 That's an "and". Because if we don't end up at the end of  
4 the day with policy recommendations to change actually how  
5 things are done on cumulative impacts precaution, public  
6 participation and so forth, then I don't think we're going  
7 to actually have accomplished anything nearly as  
8 meaningful as we set out to do all those years ago when we  
9 first started in on this process. So it's very important  
10 and I would encourage all of the BDOs to make sure that  
11 you keep to that commitment to do both the guidance  
12 documents and the recommendations for policies.

13 Thank you.

14 CALEPA SECRETARY ADAMS: Thank you very much,  
15 Joe.

16 Any questions for Joe?

17 Thank you. And we'll see --

18 ADVISORY COMMITTEE CHAIRPERSON LYOU: Everyone  
19 needs to go to the restroom.

20 CALEPA SECRETARY ADAMS: See you on the 13th.

21 Okay. We're going to take a ten-minute break.

22 (Thereupon a recess was taken.)

23 CALEPA SECRETARY ADAMS: Okay, folks, let's get  
24 started with our next item this evening.

25 As you may recall, the previous CalePA Secretary,

1 Dr. Alan Lloyd, directed the Office of Environmental  
2 Health Hazard Assessment to conduct a review of DTSC's  
3 2001 investigation and cleanup at Midway Village located  
4 in Daly City, San Mateo County.

5           It's my understanding that the review was done in  
6 response to health concerns expressed by community  
7 residents and CEJAC members stemming from the site over  
8 the past few years.

9           This is quite an unusual situation. CalEPA and  
10 the Interagency Work Group have no legal jurisdictional  
11 authority in terms of relocation or reviewing or  
12 overriding the decision of Department of Toxic Substances  
13 Control. However, we all recognize the concerns of Midway  
14 Village residents and the seriousness of the issue.

15           We have also invited representatives from San  
16 Mateo County, the San Mateo County Department of Housing,  
17 the U.S. Department of Housing and Urban Development, and  
18 PG&E to join us here today. Apparently, however, HUD has  
19 declined to attend today's meeting.

20           In addition, we have some review panel members  
21 who worked with OEHHA also in attendance, and we will be  
22 hearing their comments today.

23           OEHHA recently released its report regarding its  
24 review, and they will now share the findings.

25           And, Dr. Joan Denton, I don't know if you want to

1 start or if we want to begin with Dr. Charles Salocks.

2 CALEPA SECRETARY ADAMS: Okay. Thank you,  
3 Doctor.

4 (Thereupon an overhead presentation was  
5 Presented as follows.)

6 DR. SALOCKS: Good afternoon.

7 My name is Dr. Charles Salocks and I'm a  
8 toxicologist with the Office of Environmental Health  
9 Hazard Assessment.

10 Last winter I reviewed several dozen documents  
11 dealing with the investigation and cleanup of the Midway  
12 Village housing complex in Daly City. And I appreciate  
13 this opportunity to present the results of the review to  
14 this committee.

15 --o0o--

16 DR. SALOCKS: This presentation will last about  
17 15 minutes and will briefly cover the history of land use  
18 at Midway Village, the specific request for OEHHA's  
19 assistance to review the investigation and cleanup, the  
20 review process itself, and our conclusions.

21 --o0o--

22 DR. SALOCKS: The Midway Village housing complex  
23 is located immediately southwest of property that was once  
24 occupied by a manufactured gas plant, also referred to as  
25 an MGP. The manufactured gas plant operated from 1905 to

1 1916. It converted oil to a volatile gas that was used  
2 for heating, lighting and generation of electricity. But  
3 in the process, generated byproducts including tars and  
4 lamp black. As a consequence, the land where the MGP was  
5 located became contaminated.

6           The primary contaminants of concerns are referred  
7 to collectively polycyclic aromatic hydrocarbons, or PAHs.  
8 Other contaminants such as petroleum solvents, phenolic  
9 compounds, cyanide compounds, and metals may also be  
10 present at these types of sites.

11           From 1916 to 1944 there does not appear to be any  
12 information on this property. Although there was  
13 reference to the fact that the land now occupied by Midway  
14 Village was called a seasonal wetland. Maps from this era  
15 indicate that San Francisco Bay came very close to the  
16 Midway Village property.

17           In 1944 the federal government acquired a parcel  
18 of land that encompassed both the location of the former  
19 MGP plant and the current location of Midway Village.  
20 During construction of military housing, grading  
21 operations shifted PAH contaminated soil to low lying  
22 areas of the proposed housing complex.

23           The military housing complex was eventually  
24 turned over to the San Mateo Housing Authority in 1955.  
25 And during the period from 1975 to 1977 the Housing

1 Authority demolished the original military housing complex  
2 and constructed the housing now known as Midway Village.

3 DTSC's investigation and cleanup of the site  
4 began in 1990 and was not fully completed until 2003. The  
5 primary strategy that DTSC used was to remove contaminated  
6 surface soil, that is, the upper three to five feet of  
7 soil, from accessible areas and replace it with clean  
8 soil. This strategy was intended to limit exposure by  
9 minimizing opportunities for contact with contaminated  
10 soil.

11 --o0o--

12 DR. SALOCKS: During the October 2005 meeting of  
13 the CalEPA Interagency Working Group on Environmental  
14 Justice, Dr. Alan Lloyd, then Secretary of CalEPA,  
15 directed OEHHA to review the investigative and remedial  
16 work at Midway Village. The specific request was to  
17 determine if the 2001 evaluation and cleanup was  
18 protective of the health of local residents.

19 OEHHA has significant expertise in this area and  
20 provides scientific support to DTSC and the Water Board  
21 during the investigation of contaminated properties.

22 I was asked to complete the Midway Village review  
23 in part because I worked for 12 years as a toxicologist  
24 with DTSC's Human and Ecological Risk Division, reviewing  
25 human health risk assessments for hazardous waste sites.

1           While our report is titled "Review of the 2001  
2 Investigation and Cleanup of the Midway Village  
3 Residential Complex," our review included documents that  
4 were prepared as early as 1990. There were two reasons  
5 for this:

6           First, decisions made in 2001 were very much  
7 dependent on the information generated during the early  
8 investigations of the property.

9           Second, we believed that the overarching  
10 directive for this review was to determine if cleanup  
11 actions were protective of the health of the residents of  
12 Midway Village; and it was important to ensure that the  
13 earlier investigations were thorough and complete and  
14 examined all potential threats to the residents.

15                               --o0o--

16           DR. SALOCKS: DTSC provided documents for our  
17 review. However, during the early stages of the review  
18 process, it became apparent that additional documents were  
19 needed to fully understand and justify the remedial  
20 decisions. As additional documents were requested, they  
21 were provided promptly by DTSC.

22           Unfortunately, the timeframe for our review was  
23 extremely short. We were provided the initial batch of  
24 documents in mid-December 2005, and the first draft of the  
25 review was completed by the end of January 2006.



1           However, contaminated soil is still present under  
2 buildings and paved areas. In areas where contaminated  
3 soil was excavated, PAHs are also present beneath two to  
4 five feet of clean soil. Non-volatile PAHs are relatively  
5 immobile in soil. For this reason, as long as the  
6 concrete and asphalt pavement is properly maintained, it  
7 is highly unlikely that residents will be exposed to these  
8 contaminants.

9           Ongoing maintenance programs and controls on  
10 construction and excavation have been implemented as  
11 specified in the covenant to restrict use of the property.

12                               --o0o--

13           DR. SALOCKS: During the period of remediation,  
14 the cleanup actions were consistent with federal and state  
15 guidelines.

16           Regarding the possible occurrence of volatile  
17 organic compounds, or VOCs, in soil, we concluded that the  
18 available data are inconclusive. VOCs include  
19 petroleum-derived solvents such as benzene, toluene, ethyl  
20 benzene and xylene; chlorinated solvents such as  
21 trichloroethylene and methylene chloride; as well as  
22 volatile PAHs such as naphthalene. Nevertheless there is  
23 no information to indicate that residents are or ever were  
24 exposed to hazardous levels of VOCs.

25           DTSC's 2002 investigation of indoor air at Midway

1 Village was well conducted. This conclusion differs  
2 somewhat from the conclusion presented in the report and  
3 is the result of input we recently received from the Air  
4 Resources Board. Consequently, the report you have will  
5 be modified to reflect this new information.

6 However, the study only examined airborne levels  
7 of PAHs. It did not examine the full suite of potential  
8 VOC contaminants.

9 --o0o--

10 DR. SALOCKS: Since past investigations did not  
11 completely determine the possible extent of VOC  
12 contamination in soil, we are recommending that a soil gas  
13 investigation be conducted to determine if volatile  
14 compounds are present in soil at significant levels. This  
15 recommendation is based on the following considerations:

16 First, the site history of this property is  
17 incomplete. There was a 28-year gap, from 1916 to 1944,  
18 for which we had no information.

19 Second, diesel range petroleum hydrocarbons and  
20 benzene were detected sporadically during the early to mid  
21 1990s. However, at that time the primary concern with  
22 VOCs was their capacity to move downward through soil and  
23 contaminate groundwater. If a groundwater were used as a  
24 source of drinking water, the exposure via ingestion of  
25 contaminated water could occur. However, it was concluded

1 that the groundwater at this location was unsuitable as a  
2 source of drinking water. Therefore, ingestion of  
3 contaminated drinking water would not occur.

4 Third, it is now widely recognized that VOCs can  
5 move upward and contaminate indoor air. Therefore, if  
6 soil beneath the residences is contaminated with VOCs, the  
7 residents could be exposed to them by breathing the air  
8 inside their homes. Models to predict indoor air  
9 concentrations based on soil vapor concentrations have  
10 been developed by U.S. EPA and are now routinely used to  
11 evaluate indoor air exposure to VOC contaminants in soil  
12 at schools and residences.

13 Fourth, in interpreting VOC data from the early  
14 1990s it is important to recognize that, at best, only  
15 moderate precautions were taken to prevent evaporation of  
16 VOCs from soil and groundwater samples. Consequently, the  
17 levels that were reported may actually underrepresent the  
18 true levels that were present.

19 Finally, in the past it would have been  
20 reasonable to presume that VOCs present in soil would  
21 evaporate during excavation and grading activities. Newer  
22 data suggest that the presence of bulk petroleum  
23 hydrocarbons contamination in soil may retard the  
24 evaporation rate of VOCs. Therefore, even though VOCs by  
25 definition have the capacity to evaporate, they also have

1 the capacity to remain in petroleum contaminated  
2 subsurface soil for decades.

3 --o0o--

4 DR. SALOCKS: If a soil gas investigation does  
5 not indicate the presence of significant VOC  
6 contamination, we do not believe further action would be  
7 necessary. On the other hand, if the investigation  
8 indicates the presence of significant contamination,  
9 additional evaluation and study may be warranted.

10 The purpose of this review was to determine  
11 whether the health of the residents of Midway Village has  
12 been adequately protected. In general, we believe it has.  
13 However, we also believe a data gap exists with respect to  
14 the possible presence of VOCs in soil, and are  
15 recommending that a soil gas investigation be conducted to  
16 address that gap. There are several reasons why in theory  
17 significant levels of VOC should not be present in soil.  
18 Nevertheless, in my experience, hard data beats  
19 theoretical arguments every time.

20 There have been a number of occasions where  
21 contaminants were detected where they weren't expected.  
22 Where residential housing is concerned, I believe an extra  
23 degree of certainty is warranted. And the data generated  
24 by a soil gas investigation will provide that certainty.

25 And that concludes my presentation. And I'll

1 take questions.

2 CALEPA SECRETARY ADAMS: We're going to take  
3 public comment at the end of our presentations by San  
4 Mateo County and DTSC.

5 Any questions for Dr. Salocks?

6 Chuck, do you have a hard copy of -- so I don't  
7 have to wring my neck and -- with my back to the audience.

8 DR. SALOCKS: Yes. Oh, I'm sorry.

9 George I believe will be putting those on the  
10 web. I don't know about that for sure.

11 CALEPA SECRETARY ADAMS: Thank you.

12 No questions?

13 Okay. Then I'd like to hear now from the members  
14 of the review panel committee. And that includes Barbara  
15 Lee, Michael Dorsey and Wilma Subra. I have no preference  
16 as to the order of business.

17 So you can all come up together if you'd like.

18 MS. SUBRA: Thank you for the opportunity.

19 My name is Wilma Subra. I'm from New Iberia,  
20 Louisiana. I provide technical assistance to community  
21 groups. And I am a victim of both Hurricane Katrina and  
22 Rita. So this is a break away from the disasters of the  
23 hurricane. I'm also a member of the review committee.

24 The housing units at Midway Village consist of 35  
25 multi-family townhouse configurations which consist of a

1 150 individual housing units. These housing units still  
2 sit on top of the soil that's contaminated with the PAHs  
3 that you just heard about. And people and children are  
4 still living in the units.

5           The primary contamination area is north of Midway  
6 Drive and extends to the PG&E facility, which is also  
7 known as the Martin Service Center.

8           The remedial activities have been limited to what  
9 is called accessible surface soils. And you just heard  
10 that in the previous presentation. These accessible  
11 surface soils consist of less than 10 percent of the site.

12           I'll refer as I go through the presentation to 10  
13 percent. But you have to remember, it's less than 10  
14 percent is what was addressed by the study. More than 90  
15 percent of the contaminated surface and subsurface soils  
16 have not been addressed at all.

17           The area where the evaluations and the  
18 remediation have not occurred is under all the housing  
19 units, under the buildings, under the sidewalks, and under  
20 the streets. That's greater than 90 percent of the site  
21 is contaminated, has the soil contaminate, and has not  
22 been addressed.

23           The Midway Village housing units are sitting on  
24 contaminated soil. The Midway Village housing units have  
25 cracks in the foundations, cracks in the floors, cracks

1 along the walls where they come in contact with the  
2 foundation. And where the structure walls are separated  
3 and you can reach down and see and the soil comes into  
4 these housing units.

5           The contaminated soil is under the housing units  
6 and it has migrated into the housing units through all of  
7 these cracks as well as where there's electric utilities  
8 going through the slab and piping going through the slab.  
9 This has caused the community to be exposed to the  
10 contamination in the soil under the housing units.

11           The people continue to live in the housing units  
12 and the contamination is under and is in to the housing  
13 units.

14           The areas of the site are really divided into  
15 three. They've removed two feet, three feet and five feet  
16 in this primary contaminated area, and only the accessible  
17 part, the part that has grass on it. And when they got  
18 down to whatever the designated depth was, they took  
19 samples, confirmed that in most cases it was above the  
20 cleanup standard. But because they were only going down  
21 to the designated depth, they stopped there and put clean  
22 fill back in.

23           The concentrations on the floor of the excavation  
24 before they put the fill in was as high as 24 times the  
25 remedial goal that they were supposed to meet. So even in

1 that less than 10 percent, the contamination is still  
2 there under this clean fill. And they suspect that the  
3 clean fill was sandy material. And it may have contained  
4 the contaminants as they migrated out of the original soil  
5 and into the clean fill.

6 And then there's the Bay Shore Park. That area  
7 had two feet of contamination removed and replaced with  
8 clean soil. When the samples were collected at the base  
9 before the clean soil was put in, 50 percent of the  
10 samples exceeded the remedial goal that was set for  
11 cleanup. The highest is 70 times the remedial goal. And  
12 then two feet of this sandy soil was put in. So as you  
13 see, even under this 10 percent, that soil is still highly  
14 contaminated.

15 And then there's the area south of Midway Drive  
16 where some of the housing units are located. And that has  
17 lacked adequate sampling to characterize the vertical and  
18 horizontal extent of that contamination.

19 I'd like to call your attention to page 34 of the  
20 document that you should all have in your packet.

21 On page 34 the agency responded to a comment that  
22 I had submitted in reference to the February 2006 draft  
23 report. And it's under No. 12 on page 34. This is the  
24 agency's response: "Full characterization of the extent  
25 of contaminated soil was not an objective of the

1 investigation of this property." Full characterization of  
2 the extent of contaminated soil was not the objective of  
3 the investigation of this property. "The purpose of the  
4 investigation was to identify and remove contaminants that  
5 posed a threat to the residents by a direct contact with  
6 contaminated soil." And, again, that was limited to less  
7 than 10 percent of the site.

8           The agency failed to address the direct contact  
9 with soil from the cracks in the slabs and along the walls  
10 which have allowed the contaminated soil to enter the  
11 housing units. The agency has also failed to add volatile  
12 and semi-volatile pathways of exposure. So what you see  
13 here is less than 10 percent and is not all the pathways.  
14 This is very, very limited.

15           I'd also now like to call your attention to  
16 "Conclusions," which start on page 20. One conclusion  
17 says, "The distribution of PAH contamination in accessible  
18 surface soils" -- that is the only -- less than 10  
19 percent, the part of the surface soil that had grass.  
20 It's in the Midway Village. It's in the Bay Shore Park.  
21 And they contend that that was adequately characterized.  
22 Again, that's less than 10 percent of the site where these  
23 people that you see sitting in the room live. If less  
24 than 10 percent of the surface soil is accessible at  
25 Midway Village, then that less than 10 percent of the

1 surface soil characterization is not adequate.

2           The next conclusion is lateral and vertical  
3 extent of subsurface contamination. Again, the PAHs, it's  
4 not been completely characterized. Because when they got  
5 down to the depth, they just quit going. And the  
6 substantial reduction or elimination of the potential is  
7 only the substantial reduction or elimination of threat in  
8 that 10 percent of the site. It's not in the greater than  
9 90 percent of the site where the people live. We still  
10 have only based the less than 10 percent of these  
11 evaluations.

12           Then they have other classes of contaminants,  
13 such as PCBs, phenos and cyanides, may be present in the  
14 subsurface soils exposure. Again, that's in less than 10  
15 percent of the site.

16           Then they talk about the upward migration of VOCs  
17 and volatile PAHs and the possibility of inhalation of  
18 indoor air. And they're only now addressing that because  
19 we really pushed it. We have to be very careful how we do  
20 those evaluations.

21           They talked about the data gaps in the VOCs in  
22 the subsurface soils. We have to be very careful when we  
23 assess that part.

24           The agency has failed to evaluate the migration  
25 of PAHs into the clean fill soil. And that is a potential

1 pathway for exposure on the surface.

2 Risk management decisions and remedial activities  
3 that he talked about are only involved in less than 10  
4 percent of the Midway Village complex. This is not  
5 appropriate.

6 What the agency can do is to encourage the  
7 responsible party to relocate the people off the top of  
8 their contamination. You have a responsible party. Have  
9 them work with the community to get them off of the  
10 contaminated soil. Work with HUD, with the Housing  
11 Authority to get the people relocated in appropriate  
12 locations.

13 And then as part of this agreement the Housing  
14 Authority agreed that for 30 years they would maintain --  
15 do the operation and maintenance part of that two feet of  
16 clean soil on that less than 10 percent. And what happens  
17 is they go out and do an inspection. If they find  
18 something wrong, if the soil is cracked, the concrete is  
19 cracked, they don't have the resources. They agreed to  
20 immediately go in and remediate that. They don't have the  
21 resources. They have to actually go through  
22 appropriations to come up with the money to address the  
23 problem, rather than their agreement was that they would  
24 do operation and maintenance. So there's definitely a  
25 need for them to have resources on hand; when they go out

1 and see a problem, they can immediately move to work on  
2 those issues.

3 And these are the things the agency and the  
4 Interagency Working Group can do to remedy the situation  
5 of the people of Midway Village living on the  
6 contamination.

7 Thank you.

8 CALEPA SECRETARY ADAMS: Thank you very much,  
9 Wilma, for coming all the way out here for this.

10 ADVISORY COMMITTEE MEMBER LEE: Did you want to  
11 ask questions of Wilma before I start?

12 CALEPA SECRETARY ADAMS: Are there any questions  
13 of Wilma?

14 Okay. Barbara, are you next?

15 ADVISORY COMMITTEE MEMBER LEE: Yes. Thank you.

16 Good afternoon. I'm Barbara Lee. I'm the Air  
17 Pollution Control Officer in northern Sonoma County. I  
18 also am the President of the California Air Pollution  
19 Control Officers Association and, probably more relevant  
20 here today, one of the Co-chairs of the Environmental  
21 Justice Advisory Committee. And it is in that capacity  
22 that I was asked to participate in this review.

23 I have very little expertise in the area of site  
24 remediation and had to have a steep learning curve, as I'm  
25 sure those of you who are hearing all of this have as

1 well. I'm going to try to be clear in the comments that I  
2 give you. And I apologize if I am a little bit fuzzy in  
3 how I characterize some of the remediation terms or use  
4 them. And please correct me if I'm not quite right.  
5 Because, as I said, this isn't an area of expertise of  
6 mine personally.

7           So what I did in order to look at this was I  
8 first tried to consolidate in my own mind the questions  
9 that came to the advisory -- that came up at the advisory  
10 committee meeting when we heard the issues from the Midway  
11 Village residents and made our recommendation to then  
12 Secretary Lloyd that this should be looked into further.  
13 And basically our questions surrounded sort of three  
14 fundamental things:

15           First, what was the standard of care at the time  
16 that the site was identified and was that standard of care  
17 met in the remediation?

18           Second, has that standard of care changed over  
19 time? Because these things do change. And if it's  
20 changed, have those changes been addressed at Midway?

21           And, finally, is the standard of care that is in  
22 place now adequate to support the environmental justice  
23 goals of CalEPA and its boards, departments and office?

24           And that last question is of particular interest  
25 to the advisory committee because it's in that arena that

1 we interact with CalEPA and the BDOs.

2           So not having a lot of expertise, I did a lot of  
3 reading. And generally when I need to review something  
4 that I'm not too familiar with, the first thing I do is  
5 look around and see what everybody else is doing. And so  
6 it's sort of with that basis that I came up with the  
7 following comments for you.

8           Before I get into them I would like to say very  
9 clearly that in my work on the advisory committee with the  
10 boards, departments and office, with the staff that have  
11 participated in this review, with the DTSC staff, prior to  
12 this review being undertaken, I have been across the board  
13 impressed by the professionalism and dedication of  
14 everybody involved. It is entirely possible for hard  
15 working, well intentioned professionals to disagree on  
16 issues of things like what is enough and what is safe.  
17 And it's in that sort of gray area that we're going to  
18 have our conversation about what's going on at Midway.

19           I've put together a timeline of some of the  
20 events that happened at Midway. Unfortunately it's pretty  
21 much illegible up there on the screen, and I don't have  
22 lots of copies of it. So I'm going to hand this around  
23 the table. And then, you know, I'll commit to try to make  
24 copies of it available for those of you in the audience  
25 who want it after the fact.

1           But the thing that really stood out to me and the  
2 reason that I put together the timeline is that a lot of  
3 time passed from the time people began living on the  
4 contaminated soil until the time that it was cleaned up in  
5 2001. And regardless of what you conclude about the  
6 current state of the cleanup effort, it's very difficult  
7 to get away from the basic numbers that show that people  
8 have been living at that site since 1955, and that when  
9 Midway was rebuilt in the mid seventies, it has been about  
10 20 years to the initial remediation action and perhaps as  
11 much as 27 years until the remediation action that ended  
12 in 2002.

13           So even if you believe that you have the site  
14 completely contained, you still have people who endured  
15 some pretty significant exposures for a pretty long time.  
16 And that's something that shouldn't be neglected.

17           Getting down now to some more technical stuff.  
18 We had those three basic questions at the CEJAC. And with  
19 those in mind, I broke the efforts down into a couple of  
20 different categories, and I'm going to just go through  
21 them.

22           The first is the site characterization. And as  
23 the report by OEHHA indicates, from everything that I can  
24 see, at the time that that initial testing was done at  
25 Midway Village and the standard was set at 10 milligrams

1 per kilogram, that represented what was being done  
2 generally in the late eighties and early nineties for site  
3 remediation for PAHs at manufactured gas plants. But the  
4 site characterization did not address hydrocarbons --  
5 other hydrocarbons in the soil. And those can be from  
6 petroleum, and they can be from other activities like  
7 solvent cleaning, that we have some evidence has occurred  
8 at the site.

9           There is in fact testing data that shows  
10 petroleum hydrocarbons in the groundwater at the site.  
11 And there is in fact testing data as recent as 2001 that  
12 shows -- it was testing done for PAHs, but the testing  
13 showed, and I quote, "strong matrix interference from  
14 petroleum hydrocarbons in the samples."

15           So you have evidence to suggest that there is at  
16 least some petroleum contamination at the site. And the  
17 question is, what is it and how significant is it and is  
18 it affecting the health of the residents there?

19           The site characterization did not address all of  
20 the pollutants that had been identified in the literature  
21 as being typical at manufactured gas plant sites. For  
22 example, ammonia was found in the groundwater samples but  
23 was not addressed as a pollutant of concern in the  
24 characterization or remediation actions.

25           And, again, PCBs are considered typical at

1 manufactured gas plant sites and at old utility sites  
2 because of maintenance activities involving transformers  
3 that had PCBs in them and whether those transformers were  
4 stored and disposed of on the site. And as OEHHA pointed  
5 out, the site was a marshy wetland area, and it was not  
6 uncommon to fill marshy wetland areas in the early part of  
7 the last century with the waste on hand. And to the  
8 extent that that included PCBs, those should at least be  
9 sampled for to make sure they're not currently impacting  
10 the residents.

11           There are many other chemicals that have been  
12 listed as common at manufactured gas facilities besides  
13 PAHs and the ones that I've mentioned. And some screening  
14 should be done to make sure that they're not pollutants of  
15 concern affecting the residents here.

16           There is evidence in the permanent records at the  
17 Bay Area Air District and in other documentation that  
18 there was hazardous -- not hazardous but waste  
19 incineration at the site. There was also solvent cleaning  
20 at the site. It's not clear from the records now which  
21 solvents were used. But those two activities point to  
22 potential contamination from the wastes that they result  
23 in.

24           I would point out also that only very limited air  
25 sampling was done before, during and after the remediation

1 activities. More robust sampling probably would have been  
2 appropriate and it is certainly becoming the standard now.  
3 So I would suggest that as you move forward you look at  
4 air sampling, especially indoor air sampling, and also air  
5 sampling to ensure that when remediation activities or  
6 soil disturbance activities are being undertaken, that  
7 there isn't anything being volatilized that could impact  
8 the residents.

9           Several states have standard guidelines for air  
10 sampling during the remediation of manufactured gas  
11 facilities, including the State of Wisconsin. Their  
12 guidelines address public participation, air sampling and  
13 site characterization. And they're very well done and I  
14 would encourage you to take a look at those.

15           For the site remediation, the original cleanup  
16 target of 10 milligrams per kilogram of PAHs, as I said,  
17 was appropriately revised up to -- or down to .9  
18 milligrams per kilogram benzo(a)pyrene. And that's  
19 comparable to the target that was used in 1996 at the  
20 Alhambra Southern Cal Gas Plant site in southern  
21 California. But there are a couple of differences between  
22 those two efforts that I wanted to point out.

23           The Southern Cal Gas effort was undertaken in  
24 1996. And that's two years after the initial 10 milligram  
25 per kilogram cleanup was done at Midway. As I said, the

1 target there was .9 milligrams per kilogram of soil -- in  
2 the soil.

3 But of greater interest to me is the fact that in  
4 this remediation all of the driveways, sidewalks,  
5 walkways, patios and plantings were removed. All of the  
6 soil under them was removed to an average depth of five  
7 feet, was replaced with clean fill, and the soil in the  
8 crawl spaces under the houses in this community was  
9 removed and replaced with clean fill. And this is a very  
10 different approach from what was done at Midway. To my  
11 mind, it's a more precautionary approach. And it's not  
12 clear to me why there is such a great difference between  
13 the approach to the remediation at that site and the  
14 approach to the remediation at the Midway site.

15 Comparing site remediation targets in other  
16 jurisdictions, the Missouri Department of Natural  
17 Resources has a .6 milligram per kilogram target for  
18 benzo(a)pyrene. And that's for sites that are going to be  
19 used for industrial uses.

20 The Delaware Department of Natural Resources and  
21 Environmental Conservation has a remediation target of 0.8  
22 milligrams per kilogram benzo(a)pyrene. And for soils  
23 meeting that target they require deed restriction in  
24 perpetuity to prohibit current or future residential uses.

25 I don't have numerical targets from the Illinois

1 EPA. But I did review some papers that showed that after  
2 three health studies in conjunction with the ATSDR, all of  
3 which showed no potential health hazard from recreational  
4 uses of a park in the affluent Oak Park Village,  
5 notwithstanding Illinois EPA required cleanup of that  
6 site, with removal of soils to a depth of from 10 feet to  
7 40 feet across the site, and required fence-line air  
8 monitoring with established project ambient air quality  
9 standards before, during and after the remediation, and at  
10 a citizens advisory committee to review that site  
11 remediation effort as it went forward.

12           And then finally, in St. Helena, California, the  
13 Bay Area Air Quality Management District released a draft  
14 permit last year for soil vapor extraction at a  
15 manufactured gas facility that was being remediated in St.  
16 Helena. And this is a remediation effort that follows  
17 several prior remediation efforts. Notwithstanding -- so  
18 quite a bit of the contamination has already been removed.  
19 But notwithstanding, the Bay Area Air District required in  
20 this case the soil vapor extraction equipment be equipped  
21 with three emissions control devices, thermal oxidation,  
22 catalytic oxidation, followed by carbon absorption, with a  
23 total combined efficiency of control of 98.5 percent. And  
24 as part of that permit, they had notice mailed to all the  
25 families with children at schools within a quarter mile

1 radius of the site. And to all the addresses within a  
2 thousand feet of the site they set up a phone line so that  
3 the community if they had questions or concerns could get  
4 them answered; and required started up testing and monthly  
5 testing to make sure that the vapors coming out of the  
6 control equipment don't pose a risk to the community.

7           And I know this is a lot of information and may  
8 feel very detailed to you. But I'm presenting it to  
9 suggest not intent to do wrong on the part of the  
10 Department. But that perhaps as knowledge is unfolding  
11 over time about manufactured gas plant sites, that the  
12 standard to which we are cleaning them up and the uses to  
13 which we are putting them and the ways in which we are  
14 involving the communities in the remediation efforts are  
15 evolving and changing; and that perhaps it's time to take  
16 a look at what we're doing here in California to make sure  
17 it's uniform across the state for our poorer communities  
18 as well as for our affluent communities and that it's  
19 consistent with the best practices that are being done  
20 elsewhere in the nation.

21           I think on the -- you know, in the area of public  
22 participation, the Department made a compelling  
23 presentation earlier about efforts to turn around a  
24 relationship in West Oakland. I think that this is  
25 another circumstance where the relationship could be

1 significantly improved. And I think the Department has  
2 the skills and has the staff resources to put towards  
3 that, and I would encourage you to do that.

4 I also think if there is going to be a  
5 significant delay in the Agency's development of public  
6 participation guidelines for all the BDOs, that at least  
7 for manufactured gas plants that are being remediated  
8 under DTSC it would be worthwhile to take a look at some  
9 of the public participation guidelines that are out there  
10 and see if they could be adapted and used.

11 I wanted to briefly go over health assessments at  
12 the site, because that hasn't been covered either in the  
13 OEHHA report or in Ms. Subra's comments.

14 There was a chromosomal analysis that was  
15 conducted by a third party researcher that found abnormal  
16 incidents of chromosomal aberrations in 79 percent of the  
17 adults sampled and in 94 percent of the children sampled.  
18 These results were submitted to ATSDR, which concluded  
19 that there was not sufficient information to interpret or  
20 validate the data. But no follow-up was done.

21 When you have data that shows 94 percent abnormal  
22 chromosomal aberrations in children at the site, at a  
23 minimum a second look is needed to make sure you don't  
24 have a significant problem with those kids. But I think  
25 it is unfair to leave the residents with that concern

1 without addressing what the problems actually are. And it  
2 may be that sampling done by someone chosen by the Agency  
3 would show different results. Perhaps the sampling was  
4 incomplete that was done, you know, and submitted to  
5 ATSDR, but perhaps it wasn't. And the residents clearly  
6 have a concern that there's a problem there, and that  
7 needs to be responded to.

8           In addition, a researcher out of San Francisco  
9 State conducted an evaluation of the health of the  
10 residents at Midway Village in the late 1990s and compared  
11 the community to a socioeconomically economically matched  
12 community in the East Bay. And she reported statistically  
13 significant physiological and psychological health impacts  
14 in the residents of Midway. The results of her analysis  
15 were not published, but they were submitted as part of the  
16 litigation over the site, and I believe DTSC has copies of  
17 the documents that were submitted as part of that  
18 litigation.

19           At a minimum, these results indicate that there  
20 were potentially some ongoing health effects among the  
21 community members at least as of 1998.

22           I think what I'd like to do is conclude by  
23 saying, you know, the limited review of other  
24 jurisdictions suggests that the standard of care involving  
25 post-remediation use of manufactured gas plant sites is

1 moving in the direction that would say it's not  
2 appropriate for residential use if contamination remains  
3 on the site. That seems to be what other jurisdictions  
4 are moving towards. And I think it would be appropriate  
5 for the Department -- for CalEPA to consider whether that  
6 is a direction that we should move in here.

7 I also think that where there is a community that  
8 has sustained long-term exposure, as this community had,  
9 up until the point that remediation occurred, DTSC should  
10 explore the possibilities of collaboration with the  
11 Department of Health Services, other academic  
12 institutions, other NGOs, to see if there is a way to  
13 establish some form of prospective monitoring of the  
14 health effects in the exposed community. These are data  
15 gaps that were identified as part of the recommendations  
16 that the advisory committee made to CalEPA. These data  
17 gaps don't exist only for the Department. But  
18 understanding better what happens in environmental justice  
19 communities and communities that are exposed to  
20 contamination is something that will help all of us do our  
21 jobs better. And I think in a situation like this,  
22 especially if there are NGOs that would be willing to  
23 provide some sort of asthma-van-type health care clinic  
24 that comes in periodically, does some health care  
25 monitoring, provides some basic health care services, that

1 that would be something the community might appreciate and  
2 that would also yield some important data for policy and  
3 decision makers here to improve their decision making in  
4 the future.

5 I do think under the circumstances that where you  
6 have residents at Midway Village who are concerned enough  
7 about the ongoing health effects that they feel they are  
8 experiencing and that we have not sufficiently ruled out,  
9 that they need to be given the opportunity to be  
10 relocated. Ms. Subra identified one avenue to pursue  
11 that. Another avenue to pursue that is to make clear,  
12 officially and formally, to the Housing Authority that we  
13 have not ruled out the possibility of ongoing exposure at  
14 the site because there are exposure pathways that have not  
15 been adequately investigated; and that if these residents  
16 wish to be relocated to other Section 8 housing, they  
17 should be moved to the top of the list and provided that  
18 opportunity. I think it's a recommendation that could be  
19 made and should be made.

20 I have only two brief comments on the process.  
21 You know, overall I know it's been very difficult for  
22 OEHHA to be reviewing DTSC, for DTSC to be reviewed, for  
23 CalEPA to be trying to herd the cats, and for the CEJAC to  
24 figure out how we all fit in to this.

25 That said, I do believe that the CEJAC

1 representatives on the review committee should have been  
2 afforded the opportunity to report back to the CEJAC to  
3 discuss what we collectively were concerned about and  
4 support in the review process to have for you formal  
5 collective comments. It is what we expected we would be  
6 doing. And I think it would have been more helpful for  
7 you to receive that from us. And we're still trying to  
8 figure out what to do now about that, but we have that  
9 concern.

10           Second, in spite of some, you know, really good  
11 efforts on the part of the OEHHA staff to undertake this  
12 review in a rapid fashion and be responsible in doing it,  
13 I have to say that they made commitments that the comments  
14 that were made at the public meeting and on the conference  
15 call would be articulated as part of the report document.  
16 And there were substantive comments that I made in both of  
17 those forums that were not reflected in the document. And  
18 I've spoken to some of the others on the review effort who  
19 felt the same way. So I think that that is a matter of  
20 some concern. It may have been an oversight, there may  
21 not have been good recordkeeping at the time. But I was  
22 surprised not to see those comments there and what I had  
23 provided in writing to the Department when I was ill was  
24 in reference, and assuming that they would be including  
25 the comments I had previously made. So I think there are

1 other comments that were made by some of the review  
2 committee members that perhaps you have not had a full  
3 opportunity to be made aware of.

4 And with that, I thank you for your patience. I  
5 know it's been a long day and this a very difficult topic.  
6 But I appreciate the opportunity to give you my comments.

7 CALEPA SECRETARY ADAMS: Thank you very much,  
8 Barbara. Did you put your comments in writing? I see  
9 some of the -- there are comments attached to the report  
10 from some of the Midway Village --

11 ADVISORY COMMITTEE MEMBER LEE: I don't have --  
12 my full comprehensive comments are not part of that, no.  
13 We'd been talking as CEJAC members about how to come up  
14 with consolidated comments and provide them to you. We  
15 were not expecting this report to be finalized when it was  
16 finalized. The scheduling of the meeting was a little bit  
17 of a surprise to us. So I will take full responsibility  
18 for not having that in in time for it to be included. And  
19 we're trying to sort out how to get that to you. I do  
20 have a draft of them but not a final formal draft.

21 CALEPA SECRETARY ADAMS: Okay. I do see  
22 something from you, Barbara. But I guess it's not your  
23 full comments.

24 ADVISORY COMMITTEE MEMBER LEE: No, this is what  
25 I referred to that is -- the comments are somewhat vague

1 in nature and they reference other comments that I  
2 provided at the public meeting and during the conference  
3 call, but don't spell them out because I was ill at the  
4 time.

5 CALEPA SECRETARY ADAMS: I'm sorry those were not  
6 able to be included. I thought the report was like way  
7 overdue, so we were trying to get it out to the public.

8 Well, thank you very much.

9 Any comments or questions from the work group  
10 members?

11 Okay. Then I assume that you are Michael Dorsey.

12 ADVISORY COMMITTEE MEMBER DORSEY: Yes, I am.  
13 Thank you.

14 I'll restate my name. I'm Michael Dorsey. I'm  
15 with the San Diego County Department of Environmental  
16 Health. I'm Chief of the Hazardous Materials Division.  
17 However, today I'm acting as a CEJAC member.

18 And, again, as Barbara had mentioned, I'm going  
19 to provide comments. But I'm a little, I guess, taken  
20 back by the process in that I thought that we might have  
21 had a meeting with CEJAC first and then met with this  
22 group to discuss our findings and be able to consolidate  
23 our findings in order to do that.

24 So the presentation or the comments that I will  
25 make will be mine, and they haven't been reviewed by the

1 other CEJAC members in whole.

2           In addition, there were some comments that I had  
3 made in a phone conversation that hadn't been incorporated  
4 in here, and I will point those out in my discussion. And  
5 I have not put together formal written comments in regard  
6 to the final draft. My comments were based on the  
7 original draft.

8           I don't have a lot more to expand upon. I think  
9 both of the previous speakers have given a good summary of  
10 the testimony. I do want to expand though upon one thing  
11 that was mentioned about OEHHA's process here in reviewing  
12 and doing what they did.

13           I think it's very difficult for an organization  
14 within an internal structure to have an oversight of  
15 another sister organization. And I will have to say that  
16 I think OEHHA has done a tremendous job of being as  
17 objective as they possibly could through this process. So  
18 I think as an advice from myself as being an advisor, I  
19 think you should take a very close look at the report that  
20 they put together. Because I think many of the things,  
21 although there may be things that have been missing in the  
22 report, they have come up with some very good  
23 recommendations in the report that they have providing to  
24 you.

25           And I want to point out a couple of those,

1 particularly areas where I was concerned about; one being  
2 indoor air monitoring.

3           And on page 21 -- at least on my page 21 in the  
4 summary of recommendations I'm going to read three  
5 bullets, because I want to focus on these particularly.  
6 Starting with: "Upward migration of VOCs, if present, and  
7 volatile PAHs and the subsequent inhalation of indoor air  
8 represents a potentially complete exposure pathway. The  
9 results of the 2002 study suggest that the PAHs in indoor  
10 air do not represent a significant health risk, but OEHHA  
11 regards this study as inconclusive because the indoor air  
12 samples may have been diluted with outdoor air."

13           Second bullet: "To address data gaps in the  
14 characterization of VOCs in subsurface soil, OEHHA  
15 recommends that a soil gas investigation be conducted.  
16 Target analytes should include volatile PAHs in the full  
17 suite of chlorinated and non-chlorinated VOCs. The data  
18 gathered from this study should be evaluated to assess the  
19 potential health significance of exposure to volatile  
20 compounds in indoor air.

21           "If the results of the soil gas investigation  
22 indicate that indoor exposures may be significant, then a  
23 follow-up investigation of indoor air may be warranted."

24           And this is an area where my comments in one of  
25 the phone conversations somehow didn't get incorporated.

1 And that is what Ms. Subra had brought up earlier.

2 My understanding is that there are significant  
3 cracks in many of the residents' units as well as gaping  
4 holes where there could be uptake of air contaminants into  
5 those units. I'm very concerned about that, and I think  
6 that should be reflected as well into this process.

7 I personally would recommend that we don't wait  
8 to test those units. The indoor air sampling that had  
9 been done had been done on five vacant units. It had not  
10 been done on any of the units that at that time had been  
11 units that residents had actually been living in. And I  
12 think, given the fact that we know that there's  
13 significant cracks and there's potential for migration of  
14 air contaminants to go up in through the slab areas, I  
15 think it would be important for those -- air sampling to  
16 be conducted prior to even worrying about whether there's  
17 contamination in the soil.

18 Let's take a proactive approach to this and  
19 ensure that those members of the community are not being  
20 overly exposed.

21 The second area that I want to point out --  
22 again, I just want to reiterate something that Ms. Subra  
23 had mentioned, and it's also mentioned in here in the  
24 report. And it's actually on page 2 in the summary.

25 "OEHHA also finds the investigation and remedial

1 actions performed by DTSC and ongoing maintenance of  
2 exposure barriers are sufficient to limit or prevent  
3 exposure to non-volatile contaminants in surface and  
4 sub-surface soil that would prevent exposure" -- "that  
5 would pose a health risk to residents of the community.  
6 To ensure this continues to be the case, strict adherence  
7 must be paid to ongoing maintenance programs and  
8 institutional controls on construction and excavation."

9 I'm not sure that those institutional controls  
10 are in place. And I think those are significantly  
11 important to ensuring that the residents again are not  
12 being inadvertently exposed to contaminants that may come  
13 up through the soil or, again, through any of the areas  
14 that may be paved over. So I think -- I don't know what  
15 those are, but I think the Department should pay  
16 particular attention at ensuring that those things are in  
17 place.

18 One of the other areas that I recently found out  
19 about today in talking with Barbara was again this study  
20 that occurred at San Francisco State which showed a  
21 correlation between psychological and physical effects to  
22 some of the residents that live within this area. I have  
23 not been -- that study has not been provided to us. I'm  
24 not sure it has been provided to OEHHA. If such a study  
25 is available, I think that should be reviewed by OEHHA as

1 well as Department of Health Services.

2           There certainly are -- whether or not there are  
3 correlations of health effects that have occurred at this  
4 site, there certainly are psychological effects. Anybody  
5 who's living on a landfill, particularly a hazardous waste  
6 landfill is going to be subject to some sort of  
7 psychological effect. I mean I think we all should ask  
8 ourselves: Could we live on a hazardous waste landfill?  
9 Could we have our children grow up on a hazardous waste  
10 landfill? I've asked myself that question. And that,  
11 quite frankly, my answer would be no. Quite frankly, I  
12 would be at the same situation that these individuals from  
13 this community is in questioning this report and  
14 questioning whether I am living in a safe environment.

15           And so with regards to that -- I know this is  
16 outside your purview -- but I think it's significantly  
17 important that you continue to push HUD to help relocate  
18 these people.

19           I was happy to see, Madam Secretary, that you did  
20 write a letter to HUD requesting that they be here today.  
21 I was very disappointed that they didn't show up to be at  
22 this meeting today. I know that there's been previous  
23 correspondence with HUD from the Secretary's office and I  
24 know that there's been little activity from HUD in  
25 response to that. I would continually ask you to push

1 forward to try to ensure that they're engaged in this  
2 process.

3 I think it's important in all of these types of  
4 cleanup issues that land-use decision making with regards  
5 to those local agencies and those government agencies that  
6 are involved in land-use decisions are engaged in these  
7 processes, particularly when you're doing cleanup early  
8 on. It's very important that they understand the  
9 consequences that may occur from this. And I know  
10 these -- a lot of these are historical. But I know that  
11 now that we know about these, that we need to make sure  
12 that this is built into our processes.

13 And with that, I'll stop there.

14 CALEPA SECRETARY ADAMS: Thank you very much, Mr.  
15 Dorsey.

16 Any comments or questions from members of the  
17 work group?

18 Okay. Now we'd like to hear from San Mateo  
19 County please.

20 Mr. Dwayne Bay, I understand.

21 MR. BAY: Is this on? Good?

22 SWRCB ASSISTANT CHIEF COUNSEL COBB: Closer.

23 MR. BAY: How's that?

24 CALEPA SECRETARY ADAMS: Make sure the green  
25 light is on.

1           MR. BAY: Okay. Good afternoon. I'm Dwayne Bay,  
2 Housing Director for County of San Mateo County. Thank  
3 you for the opportunity to comment on the report.

4           This evening I'm wearing two hats, so to speak.  
5 I'm representing the County of San Mateo wherein that --  
6 and also I'm representing the Housing Authority as its  
7 Executive Director.

8           In San Mateo County the County Board of  
9 Supervisors also sits as the Board of Commissioners of the  
10 Housing Authority. However, the two agencies are legally  
11 distinct and have distinct responsibilities relative to  
12 Midway Village.

13          I edited my remarks down in the interest of time.  
14 But I want to just briefly touch on those separation of  
15 responsibilities because I think it's important for  
16 context.

17          The county along with federal, state  
18 environmental protection agencies carries certain  
19 responsibilities for the environmental safety of all  
20 county residents, including those residents who happen to  
21 be residents at Midway Village.

22          The Housing Authority as owner/operator of Midway  
23 bears special responsibility for residents safety as would  
24 any other owner/operator of any other complex, but also  
25 bears general service responsibility to all of the

1 residents in the county who qualify or may eventually  
2 qualify for public assistance. So when we do things like  
3 move people to the front of a waiting list, part of our  
4 process includes getting approval for that with HUD and  
5 evaluating the policy implications of the other thousands  
6 of people who are on the waiting list.

7           Thus, any special provisions for residents at any  
8 one site must be made in the context of providing  
9 affordable housing countywide and assuring continuing  
10 financial viability of the Housing Authority that will  
11 enable it to manage the beneficial programs countywide.

12           Although the responsibilities of the agencies are  
13 distinct, their policy commitments in the matter at hand  
14 are in fact the same. The county and the Housing  
15 Authority are committed: 1) To assuring the environmental  
16 safety of residents and visitors at all of our housing  
17 sites; 2) to providing safe, suitable and affordable  
18 housing for as many qualified households countywide as is  
19 financially feasible; and 3) to be transparent and  
20 equitable in our treatment of residents and recipients of  
21 assistance and including prospective residents.

22           With that in mind I'll confine my comments to  
23 three main points:

24           First of all, the report confirms that living at  
25 Midway Village does not pose any known health risks. If

1 that determination changes, so will our response. In San  
2 Mateo County we do not allow unsafe dwellings to be  
3 inhabited.

4           2. Speculation of one member of the committee  
5 notwithstanding, the Housing Authority actively maintains  
6 safety measures designed and monitored by DTSC.

7           3. Although the report includes background  
8 material that provides context for committee members'  
9 commentary and conclusions on scientific points, it does  
10 not include background or context for considerations  
11 regarding resident relocation.

12           I wish to provide some historical information  
13 regarding past relocation efforts. I'll make these three  
14 points quickly.

15           First, for the sake of everyone involved, we are  
16 gratified that the report finds resident health has been  
17 adequately protected against all risks studied to date.  
18 We defer the scientific acumen of the report author and  
19 the committee on questions of whether additional study of  
20 other risks is warranted. And we'll go wherever those  
21 findings suggest is appropriate to go in terms of our  
22 response.

23           Second -- and the second point: The Housing  
24 Authority follows the inspection and maintenance protocols  
25 mandated by the maintenance agreement that was applied to

1 the property by DTSC, as attached to the deed restriction.  
2 DTSC conducts its own inspections of the site. DTSC's  
3 most recent inspection identified several minor conditions  
4 which were corrected, as confirmed by DTSC.

5           Independent of the maintenance agreement, the  
6 Housing Authority logs all maintenance requests from  
7 residents, auditors, whomever. HUD annually inspects not  
8 just the physical plant but the maintenance log as well.  
9 In addition, HUD annually conducts a residence survey.  
10 The alleged breeches of maintenance -- and I'm referring  
11 here to what's written and also the comments earlier of  
12 gaping holes, cracks cited by Committee Member Subra --  
13 unless they are simply a restatement and  
14 recharacterizations of the minor items enumerated in  
15 DTSC's own inspection report, have never been reported to  
16 the Housing Authority.

17           Tampering with the log or destroying complaint  
18 forms is a fireable offense, and I personally would be  
19 responsible for that decision and am willing to execute on  
20 that. We don't take that lightly at all.

21           Third, the report does not lay a foundation of  
22 history or analysis for recommendations that the Housing  
23 Authority should increase relocation benefits to residents  
24 apparently based on resident perception of risk. We do  
25 not deny that there is a perception of risk on the part of

1 some residents.

2           It is also reasonable to assume that there's  
3 psychological impacts of that perception. Nonetheless, I  
4 wish to make the following point: If the propensity of  
5 residents to avail themselves of previous and current  
6 relocation offers is taken as a measure of their  
7 perception of risk, then the perception of risk is low  
8 indeed.

9           In 2000, residents were offered the option to  
10 permanently relocate from the 46 apartments over the  
11 capped area to any apartment suitable to their household  
12 size and characteristics among the 104 other units outside  
13 the capped unit. Only one household accepted this offer.  
14 This offer stands today.

15           CALEPA SECRETARY ADAMS: I'm sorry. Can you  
16 repeat that offer.

17           MR. BAY: There's 150 units.

18           CALEPA SECRETARY ADAMS: So this is --

19           MR. BAY: Forty-six of them are over the  
20 capped --

21           CALEPA SECRETARY ADAMS: Hold on, hold on.

22           MR. BAY: I'm sorry.

23           CALEPA SECRETARY ADAMS: This is a current offer,  
24 a current relocation offer?

25           MR. BAY: This offer stands today?

1           CALEPA SECRETARY ADAMS: Okay. Just speak slowly  
2 please.

3           MR. BAY: And I can -- I will send to Dr. Prasad  
4 a copy of the remarks. I've edited them up some, so --  
5 but there are 150 --

6           CALEPA SECRETARY ADAMS: I've asked that he  
7 repeat it.

8           MR. BAY: Of the 150 units on the site, 46 of  
9 them are in the contaminated area, the capped area.  
10 Residents have been offered the opportunity -- or in  
11 2000 -- and the offer still stands, to say, "I am  
12 uncomfortable living in the capped area. I wish to have  
13 one in" -- as the units come open and one is available --  
14 and what I mean, suitable to household characteristics,  
15 the household size, match to apartment size, the first  
16 floor, second floor if you're disabled, that sort of  
17 thing. But assuming that an apartment would fit, one can  
18 move.

19          SWRCB CHAIRPERSON DODUC: Question.

20          CALEPA SECRETARY ADAMS: Tam.

21          SWRCB CHAIRPERSON DODUC: When you say the 47  
22 that are on the capped site, that's the less than 10  
23 percent that's been excavated and the soil removed?  
24 That's not the other 90 percent of --

25          MR. BAY: I actually did not quite understand Ms.

1 Subra's comments. There's two ways to interpret that.  
2 One is: Is the capped site 10 percent of the total  
3 Housing Authority site? Or is she suggesting that the  
4 exposed part of the capped area, meaning there's a few  
5 little patches of grass and that sort of thing, is that 10  
6 percent of the capped area, the rest being under the slab  
7 floors of the houses and the -- so I'm not -- you should  
8 ask her, I guess should be my answer.

9 SWRCB CHAIRPERSON DODUC: Well, we can get  
10 clarification later on from DTSC and others. I'm saving  
11 all my questions for at the end.

12 MR. BAY: Yeah, I just didn't know what -- she  
13 should comment on the 10 percent, because I actually don't  
14 know what that meant.

15 My second point on relocation, is that --

16 CALEPA SECRETARY ADAMS: Can I just clarify.

17 Your offer is to relocate only within Midway, is  
18 that right?

19 MR. BAY: Let me make my second point, which  
20 addresses that.

21 CALEPA SECRETARY ADAMS: Okay.

22 MR. BAY: So I'm just saying that was the first  
23 offer. If you're concerned about living in the capped  
24 area, you may move outside the capped area.

25 The second offer is, in 2000 residents were

1 offered the option to go to the top of the waiting list to  
2 relocate to any apartment among the 80 apartments the  
3 Housing Authority -- at the Housing Authority's two other  
4 sites, one in Colma about five miles away, one in Half  
5 Moon Bay, which is a long ways away and one could  
6 understand why one wouldn't want to do that. No  
7 households took this offer. This offer also stands today.

8 Third --

9 OPR DEPUTY DIRECTOR FILLMORE: I have a quick  
10 question.

11 You mentioned they could go to the top of the  
12 waiting list.

13 MR. BAY: Yeah.

14 OPR DEPUTY DIRECTOR FILLMORE: What is the  
15 average time that a family would be on the waiting list  
16 before an apartment would free up?

17 MR. BAY: Currently there are openings on the  
18 waiting lists. It would -- in the time we're talking  
19 about, since 2000, it would always have been less than a  
20 year. It would typically have been less than six months.  
21 And at least half of those years it would have been less  
22 than three months. I mean it's not -- in the scheme of  
23 timeframes that we're talking about, it would not take  
24 long to accomplish that were that one subjected.

25 OPR DEPUTY DIRECTOR FILLMORE: And just as a

1 quick follow-up.

2 I'm sorry if I'm going outside of the process.

3 CALEPA SECRETARY ADAMS: No, go ahead.

4 OPR DEPUTY DIRECTOR FILLMORE: What type of

5 efforts were made to ensure that the residents of the

6 Midway complex were aware of these offers and understood

7 the pros and potential cons of those offers?

8 MR. BAY: There were multiple community meetings

9 on site. There were hearings with the board of

10 supervisors. One of the board of supervisors came out and

11 personally met with the residents. It was a big deal for

12 quite some time.

13 People may wish to rebut that if we get down into

14 that. You know, I came with the short version of this.

15 Third on relocation. In 2000, residents were

16 offered the option to go on to the short waiting list to

17 relocate to any apartment among the 324 apartments at 13

18 sites spread around the county operated by affordable

19 housing organizations, using project-based vouchers.

20 These are other -- these are not Housing Authority

21 operated, but they use our vouchers at these sites.

22 No households took this offer. This offer too

23 stands today. Those waiting lists are open.

24 Fourth, in 2000, at considerable cost and

25 administrative complexity, the residents were offered the

1 option to go to the top of the waiting list for housing  
2 choice vouchers. That would be in front of thousands of  
3 other people. These could be used anywhere in the county.

4 CALEPA SECRETARY ADAMS: Mr. Bay, I have a  
5 question.

6 What does mean using vouchers? Does that mean it  
7 would not cost them any more to live in this other --  
8 these other locations?

9 MR. BAY: Yeah, a Section 8 voucher entitles --  
10 well, you use the voucher to get a Section 8 contract with  
11 a landlord. Once you have a Section 8 contract with the  
12 landlord, the tenant pays 30 percent of their income, the  
13 HUD pays the difference between the 30 percent that  
14 they're paying and the contract level of the rent. So  
15 these are valuable commodities that you can basically go  
16 out into the market and rent an apartment with.

17 CALEPA SECRETARY ADAMS: And then how about  
18 the --

19 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

20 Could you ask him -- because you forget as it  
21 goes along. But could you ask him how many residents took  
22 advantage while we're going through this? Because your  
23 train of thought --

24 CALEPA SECRETARY ADAMS: I have another question  
25 for him. And I forgot what it was.

1           The costs of actually moving, who pays that? Do  
2 the residents have to pay or does the county assist them  
3 in actually the cost of moving?

4           MR. BAY: In most cases with housing choice  
5 vouchers it's the resident's responsibility to move. In  
6 this case, the county offered to assist with the move as  
7 well.

8           CALEPA SECRETARY ADAMS: Does that mean you would  
9 pay all the costs of moving?

10          MR. BAY: Yes, yes. As it turns out, that was  
11 moot, which is in the next sentence.

12          "Ten households exercised this option and  
13 accepted vouchers. A relocation specialist was hired to  
14 help these households find suitable apartments.  
15 Nonetheless, only one household chose to leave Midway.  
16 This offer remained open for one full year."

17          CALEPA SECRETARY ADAMS: Is that offer no longer  
18 on the table?

19          MR. BAY: No, we asked for -- no, it is no longer  
20 on the table.

21          We could go into that, but if -- I have just  
22 three more short points on this.

23          CALEPA SECRETARY ADAMS: Okay. Go ahead.

24          MR. BAY: And they sort of interact to some  
25 degree.

1           Any resident may join the voucher waiting list  
2 when it opens from time to time. Usually you open it,  
3 thousands of people join, you close it, you work off that  
4 list for a while and -- okay.

5           When it was last open in 2002, to the best of our  
6 knowledge -- and this would be looking at Social Security  
7 numbers and that sort of thing -- no Midway residents  
8 households joined. So again this would have been, after  
9 the voucher offer one year had expired, a year after that  
10 the list came open, nobody joined the list.

11           Finally, residents, including some of the  
12 residents who are active as advocates on this point, have  
13 in fact placed children -- their children on the waiting  
14 list to get a current unit at Midway Village.

15           We respect and support the residents advocating  
16 for of course anything they wish to advocate for, and we  
17 especially respect their advocating on the health issues,  
18 on the issue of whether we should not retest on all of  
19 those sorts of things.

20           With regard to the relocation, many avenues for  
21 relocation exist. The proposal -- and this really is the  
22 bottom line point here. Not to debate whether to relocate  
23 or not and add additional -- you know, one of the  
24 additional relocation benefits back in -- and I could go  
25 into why that's challenging or whatever, but really the

1 report doesn't lay a foundation for that. The report  
2 makes a recommendation that it hasn't laid any foundation  
3 for, it didn't provide any of this -- any of this  
4 information.

5           Basically the dilemma that we are faced with --  
6 and I really cut out the discussion of this, and it may be  
7 appropriate for the back and forth -- but to offer  
8 additional relocation benefit at this point, we would have  
9 to offer that on the basis of perception of risk. And  
10 until we have science that says there is risk, we would  
11 have to offer that on perception of risk.

12           It seems to be inappropriate to use individual's  
13 differential perception of risk as an equitable basis for  
14 allocating additional benefits. How would we do that?  
15 How would we administer that? How do we do that in a  
16 policy context of countywide service? That would be a  
17 very challenging task indeed.

18           And I'll stop there. Thank you for the  
19 opportunity. I'll answer obviously any questions that you  
20 have.

21           CALEPA SECRETARY ADAMS: Thank you very much.  
22 You're not going to leave right away, right?

23           MR. BAY: No, no.

24           CALEPA SECRETARY ADAMS: Okay. Any further  
25 questions or comments for Mr. Bay?

1 Shankar.

2 CALEPA DEPUTY SECRETARY PRASAD: Do the residents  
3 at Midway pay anything now as rent?

4 MR. BAY: Excuse me?

5 CALEPA DEPUTY SECRETARY PRASAD: Do the residents  
6 now pay any rent to the Midway complex? Like you said  
7 that --

8 MR. BAY: Yes, they do.

9 CALEPA DEPUTY SECRETARY PRASAD: -- they pay 30  
10 percent when they take --

11 MR. BAY: Well, I don't have an exact number, but  
12 the average rent is between 400 and \$500, just to put  
13 things in context.

14 CALEPA DEPUTY SECRETARY PRASAD: Thanks.

15 CALEPA SECRETARY ADAMS: Mary-Ann.

16 DPR DIRECTOR WARMERDAM: As a practical matter,  
17 approximately how many individuals are on waiting lists at  
18 any given time that you would have to take into  
19 consideration?

20 MR. BAY: I mentioned multiple waiting lists.  
21 All of the ones that I mentioned in the several points  
22 right now are either open or short. And over time that  
23 changes. When the rental market's tight, it gets tighter  
24 and like that.

25 The housing choice voucher, the big waiting list,

1 is quite long. It's 4,792 households on it right now.

2 CALEPA SECRETARY ADAMS: And -- I'm sorry. Go  
3 ahead, Mary-Ann.

4 DPR DIRECTOR WARMERDAM: I guess when you say  
5 open, you mean essentially that if someone chose to  
6 participate, it could be essentially immediate relocation?

7 MR. BAY: Yeah, I mean matter months. There's  
8 qualifications and all that sort of thing. But  
9 essentially --

10 DPR DIRECTOR WARMERDAM: Fairly short order?

11 MR. BAY: Yeah.

12 DPR DIRECTOR WARMERDAM: Thank you.

13 CALEPA SECRETARY ADAMS: So I just want to  
14 clarify that Options 1 and 2 are still open; Option 3,  
15 moving -- relocating to the 13 other properties using  
16 vouchers, is not open at this time?

17 MR. BAY: No, it's also open.

18 CALEPA SECRETARY ADAMS: They're all -- all  
19 options are open?

20 MR. BAY: All options are open except for the  
21 housing choice voucher relocation.

22 CALEPA SECRETARY ADAMS: Okay.

23 MR. BAY: And I forget to mention, it's also a  
24 practice of housing authorities -- it's called  
25 portability. One can have an Alameda County voucher, get

1 an apartment in San Mateo County, and that's honored in  
2 San Mateo County. And then an arrangement's made between  
3 the source and destination housing authorities.

4 So in this period -- so we routinely post in the  
5 complex, and residents can make themselves aware of, the  
6 waiting lists at other counties as they open up. And so  
7 that's an avenue also to get out of this particular site.

8 CALEPA SECRETARY ADAMS: Val.

9 OEHHA CHIEF DEPUTY DIRECTOR SIEBAL: Yeah, Val  
10 Siebal, Chief Deputy at OEHHA.

11 Just for the record -- and we talked to the  
12 community about this as well -- relocation was outside the  
13 scope of our charge, so it is not addressed at all in this  
14 study that we sent you.

15 CALEPA SECRETARY ADAMS: Fine.

16 MR. BAY: And by the way, I didn't mean to imply  
17 it should have been. It was the -- not that there should  
18 have been more basis. There should have been less  
19 conclusion. That's my point.

20 CALEPA SECRETARY ADAMS: Yes, John.

21 OPR DEPUTY DIRECTOR FILLMORE: And just to  
22 clarify.

23 You mentioned the avenues that are still open.  
24 Is the offer for the county to assist with the relocation  
25 costs still open, or has that closed?

1           MR. BAY: I can open it today if that's an  
2 important thing. That's within my discretion. And the  
3 costs are -- that's not a problem.

4           CALEPA SECRETARY ADAMS: Tam.

5           SWRCB CHAIRPERSON DODUC: Another point of  
6 clarification.

7           The three options that are still on the table,  
8 Option 1 would only be available to the 47 residents that  
9 are living on the cap, and Options 2 and 3 would be  
10 available to all the residents of Midway?

11          MR. BAY: Sure, yeah.

12          CALEPA SECRETARY ADAMS: Any other questions?

13          So you'll be nearby, right?

14          (Laughter.)

15          CALEPA SECRETARY ADAMS: Okay. At this time the  
16 Department of Toxic Substances Control will make a  
17 presentation.

18          Maureen, I don't know if that's you. Or is that  
19 Colleen?

20          I'd say be brief, Colleen.

21          DTSC SUPERVISING STAFF COUNSEL HECK: Good  
22 evening. My name is Colleen Heck. I'm a supervising  
23 staff counsel within the Office of Legal Counsel for the  
24 Department of Toxic Substances Control. I will indeed try  
25 to be brief.

1           I have two overarching purposes to this  
2 presentation. They are 1) to give you a brief  
3 presentation on the extensive investigation and  
4 remediation efforts that have happened at Midway Village  
5 and 2) to provide the basis for DTSC's position and view  
6 that no additional soil gas sampling for VOCs is called  
7 for.

8                               --o0o--

9           DTSC SUPERVISING STAFF COUNSEL HECK: Just by way  
10 of quick -- go back, if you will.

11           It seems to me after the OEHHA report that the  
12 only issue that's still in dispute, if you will, between  
13 the two agencies as reflected in the last OEHHA report is  
14 this issue of VOCs.

15           As I just mentioned, DTSC's efforts at this site  
16 have been extensive and have taken place over numerous  
17 years, and ultimately led to the selection and  
18 implementation of the remedy at the site. U.S. EPA also  
19 concurred in the site. You'll see by the second bullet  
20 the sampling events at this site have been beyond  
21 numerous, over 800 samples taken, nine different  
22 investigations, and dozens of rounds of sampling.

23                               --o0o--

24           DTSC SUPERVISING STAFF COUNSEL HECK: Just to  
25 briefly touch upon these different sampling events.

1 You'll see that there are three separate sets of sampling  
2 described above. Again, this presentation is limited to  
3 looking at how we looked for VOCs but did not find them.

4 In 1988, as you can see, 80 soil samples, showing  
5 no VOCs above the U.S. EPA working standard. That is the  
6 preliminary remediation goals, or PRGs.

7 In 1993 there was only one detection out of all  
8 the 26 samples. And it too was below the detection  
9 limits.

10 The most recent sampling event, all samples were  
11 nondetect for VOCs.

12 --o0o--

13 DTSC SUPERVISING STAFF COUNSEL HECK: The fact  
14 that VOC's were not found is not surprising. It's not  
15 something you would always look for given this type of  
16 site. Nonetheless we looked. We simply didn't find them  
17 to any meaningful degree.

18 The reason that they would not be expected is the  
19 nature of the manufactured gas plant operation that took  
20 place at the property now known as Midway Village. That  
21 type of gas plant operation used crude oil as its  
22 feedstock. Well, it's pretty typical in California, not  
23 so typical in other parts of the country. This  
24 distinction is meaningful in that the type of contaminants  
25 you would expect as the aftermath of these operations is

1 dictated by the feedstock. You use coal, you're going to  
2 expect to find the VOCs. Crude oil, not so much so; much  
3 more uncommon.

4           It's worth noting the OEHHA report does not  
5 distinguish in any meaningful way between these two very  
6 different types of operations.

7           More importantly, our 15 years of testing  
8 confirms what we thought would be the case, that the VOCs  
9 were not there.

10           So it's not just a question of assumption. We  
11 had working assumptions. We tested anyway. The testing  
12 confirmed what is the prevalent thinking in the relevant  
13 scientific community, that is, the VOCs are not the  
14 byproduct typically of this type of operation.

15                               --o0o--

16           DTSC SUPERVISING STAFF COUNSEL HECK: Again,  
17 another reason why you would not expect to find VOCs at  
18 this site: The hydrogeology of the site is such that the  
19 fuel tank, which would have been the source of the VOC  
20 contamination, is not such that it would travel under the  
21 residences. It's just the geography and the topography  
22 are such that it really just can't get there from here.  
23 And you have to have a pathway in order to have an  
24 exposure or a risk of exposure.

25                               --o0o--

1 DTSC SUPERVISING STAFF COUNSEL HECK: The third  
2 and final reason why you would not expect recent sampling  
3 and recent investigations to find VOCs is because there  
4 really haven't been any new circumstances or conditions at  
5 the site from the earlier rounds of sampling. And  
6 typically if you don't have new information, you're not  
7 going to get new outcomes or different outcomes.

8 --o0o--

9 DTSC SUPERVISING STAFF COUNSEL HECK: Again, the  
10 data is sort of all pointing in one direction here very  
11 consistently. And, that is, that the VOCs would not be  
12 expected there and are simply not there.

13 In short, we do not believe that there is a data  
14 gap that needs to be filled.

15 --o0o--

16 DTSC SUPERVISING STAFF COUNSEL HECK: A little  
17 more background about the kind of work we do on other  
18 manufactured gas plant sites in the state. We have  
19 investigated in various stages of remediation 64 sites.  
20 Of those 64, 17 have been fully cleaned up.

21 And there are diverse communities all over the  
22 state. And our efforts are driven by the risk, not by any  
23 sort of perception about demographics or the socioeconomic  
24 status of the communities. I think that's borne out by  
25 the third bullet.

1           It's also worth noting that of these 64 sites, at  
2 none of them did we find VOCs where there was a crude oil  
3 as the feedstock unless it was also in the presence of a  
4 separate source of contamination such as an underground  
5 tank.

6                               --o0o--

7           DTSC SUPERVISING STAFF COUNSEL HECK: This slide  
8 attempts to sort of give you a better flavor for just how  
9 much work has gone into this site, with how many different  
10 entities and how comprehensive the work has been. The  
11 OEHHA report itself acknowledges that few sites have had a  
12 sampling density as great as this. Again, ten different  
13 agencies involved with the cleanup, all regulatory  
14 agencies at the state, federal and local level, all  
15 reaching the same conclusion that the work done was  
16 sufficient to prevent health risk to the residents.

17                               --o0o--

18           DTSC SUPERVISING STAFF COUNSEL HECK: I have,  
19 which I will provide to you, Madam Secretary and members,  
20 recent letters from U.S. EPA indicating this is still  
21 their view, that no further investigation would be  
22 required in the absence of any new information. And a  
23 letter from the President of the Midway Village Residents  
24 Association indicating that, while many members of the  
25 Midway complex or former members purport to speak for that

1 group, they in fact are not authorized to do so, and that  
2 this Midway Village Residents Association is the  
3 designated body to represent this group of residents and  
4 they have not been contacted in relation to this issue.  
5 So anybody who purports to speak on their behalf is doing  
6 so outside of any authorization.

7 I can provide those for you as well.

8 --o0o--

9 DTSC SUPERVISING STAFF COUNSEL HECK: Lastly, our  
10 work here is not done. I didn't want to give you the  
11 impression, even though we think there is no data gap,  
12 that our work is finished. By both state and federal law  
13 and just common practice, we will be doing further work.  
14 It's frequently referred to as a five-year review. This  
15 is what state and federal superfund requires. You see the  
16 bullets up there. That's a small subset of the kinds of  
17 issues and work we need to do and look into in the  
18 five-year review. It's comprehensive, bordering on  
19 exhaustive.

20 So we will not be walking away from this site.  
21 Our involvement and oversight continues and will be  
22 ongoing through this five-year iteration. The main  
23 purpose is to check to see that the remedy is still  
24 efficacious, that there are still no undue risks and that  
25 the remedy is working.

1 Our review is scheduled to be conducted in 2007.

2 That would be the normal cycle.

3 DPR DIRECTOR WARMERDAM: Quick question if I  
4 might.

5 Is that a review every five years or a one  
6 five-year period review?

7 DTSC SUPERVISING STAFF COUNSEL HECK: Every five  
8 years.

9 DPR DIRECTOR WARMERDAM: Thank you.

10 CALEPA SECRETARY ADAMS: How many have been done,  
11 five-year reviews?

12 DTSC SUPERVISING STAFF COUNSEL HECK: At this  
13 site?

14 CALEPA SECRETARY ADAMS: Yeah.

15 DTSC SUPERVISING STAFF COUNSEL HECK: Let me turn  
16 to my senior staff here. I have with me Dorothy Rice,  
17 Caren Trgovcich and Jeff Wong.

18 CALEPA SECRETARY ADAMS: Okay.

19 DTSC DEPUTY DIRECTOR RICE: Dorothy Rice.  
20 There's been one prior five-year review in 2002.

21 CALEPA SECRETARY ADAMS: Okay. Thank you.

22 Colleen, does that --

23 DTSC SUPERVISING STAFF COUNSEL HECK: That  
24 concludes my presentation.

25 Oh, except -- excuse me -- with one exception. I

1 wanted to turn now to Peggy Jenkins of the Air Resources  
2 Board to briefly address the issue of the indoor air  
3 sampling and protocols. There's been significant  
4 discussion that they were not conducted in the appropriate  
5 fashion. And there's been a tremendous amount of  
6 controversy about that. And I think Peggy's expertise  
7 would be useful here.

8 CALEPA SECRETARY ADAMS: Oh, there she is.

9 Tam.

10 SWRCB CHAIRPERSON DODUC: Before Colleen leaves  
11 though, I wanted to ask about a comment that made by one  
12 of the -- the external reviewer regarding 90 percent -- in  
13 her opinion, 90 percent of the site was not addressed. In  
14 your slides you showed extensive monitoring and efforts  
15 over the years.

16 Is it DTSC's understanding that the entire site  
17 was adequately assessed and addressed in this effort?

18 DTSC SUPERVISING STAFF COUNSEL HECK: Let me  
19 preface my short answer by saying I'm not sure what the  
20 90/10 answer or description or dichotomy speaks to any  
21 more than the representative from San Mateo County  
22 Housing. So I can't speak to how that figure was arrived  
23 at.

24 But to give you the more direct answer, yes, the  
25 Department is comfortable that it adequately

1 characterized, investigated and remediated the site.

2 CALEPA SECRETARY ADAMS: Peggy, I want you to  
3 address the issue -- I think in the OEHHA report they  
4 recommend the soil sampling first; and then if results  
5 indicate there may be some indoor exposure, then an  
6 investigation of indoor air. Now, when we heard from  
7 Michael Dorsey, he recommended immediately indoor air  
8 sampling. So I'd like you to address that in your  
9 comments.

10 ARB INDOOR AIR QUALITY PROGRAM MANAGER

11 JENKINS:

12 Okay. I'd be glad to.

13 I'm Peggy Jenkins. I manage the Indoor Air  
14 Quality Program at the Air Resources Board.

15 And just a couple of quick comments. Indoor  
16 Environmental Engineering did use the correct approach,  
17 particularly for the residences. They used a sampling  
18 method that obtained both particle and vapor phase PAHs.  
19 They also used a method that did achieve sort of a  
20 worst-case scenario in those homes by turning on the  
21 furnace, creating a stack effect, closing the windows and  
22 doors.

23 The levels of PAHs that they found in those homes  
24 and in the schools was much lower than PAH concentrations  
25 that we've seen in two studies funded by the Air Resources

1 Board, one in 70 homes in Riverside, California; another  
2 in 280 homes here in northern California in Placerville  
3 and Roseville. So the levels seen in Midway are actually  
4 quite a bit lower than what we typically see.

5 CALEPA SECRETARY ADAMS: You're talking about now  
6 indoor sampling?

7 ARB INDOOR AIR QUALITY PROGRAM MANAGER

8 JENKINS:

9 Indoor studies, yes. I'm sorry.

10 CALEPA SECRETARY ADAMS: When were those done?

11 ARB INDOOR AIR QUALITY PROGRAM MANAGER

12 JENKINS:

13 These were conducted in the early to mid  
14 nineties.

15 CALEPA SECRETARY ADAMS: By ARB or --

16 ARB INDOOR AIR QUALITY PROGRAM MANAGER

17 JENKINS:

18 Oh, I'm sorry. By Research Triangle Institute  
19 under contract to ARB, right.

20 And just to compare -- I'm just bringing this up  
21 to compare to other California indoor concentrations,  
22 which Indoor Environmental Engineering did not include  
23 that in their report. I think it's important because the  
24 levels measured at Midway were very low.

25 And because of this, I don't think that there's,

1 you know, any indication of a PAH problem. I do think,  
2 you know, the next step would be, if this step is desired,  
3 to look in -- to obtain the soil samples first. I don't  
4 think indoor testing would be useful unless there is a  
5 location found with an elevated PAH level.

6 OEHHA CHIEF DEPUTY DIRECTOR SIEBAL: Secretary  
7 Adams, I think in Dr. Salocks' presentation he agreed that  
8 we're going to amend our report to indicate we've had this  
9 conversation with ARB on indoor air testing. We agree now  
10 that it was done appropriately back in the early nineties.

11 CALEPA SECRETARY ADAMS: Thank you, Val.

12 ARB INDOOR AIR QUALITY PROGRAM MANAGER

13 JENKINS:

14 That's all I have.

15 CALEPA SECRETARY ADAMS: Any questions for Peggy?

16 Okay. We're almost ready to move on to public  
17 comment. I'm wondering if -- I hate to put PG&E on the  
18 spot. Is anyone still here from PG&E?

19 Hi. Can you come up please. I just have a  
20 question for you.

21 And it might be appropriate also for DTSC to  
22 answer this.

23 Would you state your name please.

24 MR. DOSS: Good evening, Madam Secretary and  
25 members of the Working Group. My name is Bob Doss. I'm

1 Principal Engineer, Environmental Affairs for PG&E.

2 MR. BUSTERUD: And Good evening. My name is John  
3 Busterud. I'm the Director and Counsel for Environmental  
4 Affairs at PG&E. Pleased to be here tonight.

5 CALEPA SECRETARY ADAMS: Thank you.

6 I have -- and I just obtained this recently -- a  
7 June 2000 letter where PG&E offered to do additional soil  
8 and indoor air sampling at their expense. And I'm not  
9 clear whether the last sampling that was mentioned by, I  
10 think it was, DTSC was indeed that sampling, or is there  
11 still an offer for PG&E to assist in additional sampling?

12 MR. DOSS: As I recall, our offer was made prior  
13 to the sampling that was conducted. And the sampling that  
14 took place eventually was indeed the sampling that we had  
15 offered to conduct at our expense.

16 CALEPA SECRETARY ADAMS: And did you actually pay  
17 for that sampling?

18 MR. DOSS: We are among several responsible  
19 parties paying for both the oversight and the physical  
20 activities taking place at Midway Village.

21 CALEPA SECRETARY ADAMS: So you partially paid  
22 for --

23 MR. BUSTERUD: Right. There was an allocation of  
24 liability earlier at the site, and we have followed that  
25 allocation and are continuing to do so. And we're

1 prepared to -- again we're prepared to work with the  
2 agency, regardless of the outcome of this proceeding, to  
3 ensure that we continue to protect the public health and  
4 safety.

5 CALEPA SECRETARY ADAMS: Okay. Thank you.

6 That was it, unless you wanted to say something  
7 else.

8 MR. DOSS: We have no comments prepared for  
9 tonight, but we are happy to take questions.

10 CALEPA SECRETARY ADAMS: Okay. That was my only  
11 question.

12 Any other questions by members of the Working  
13 Group?

14 Okay. Thank very much.

15 MR. DOSS: Thank you.

16 MR. BUSTERUD: Thank you.

17 CALEPA SECRETARY ADAMS: Okay. Are we ready to  
18 move on to public comment?

19 Is Barry Wallerstein here?

20 Barry, you're a member of CEJAC, but you're not  
21 on the review panel. But you do want to comment on  
22 Midway, is that right?

23 We haven't met yet, have we?

24 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Good  
25 evening, Madam Secretary and members of the Committee.

1 I'm Dr. Barry Wallerstein. I'm the Executive Officer of  
2 the South Coast Air Quality Management District, the  
3 largest air district -- local air district in the nation.  
4 We represent about 41 percent of the state's population  
5 within our air district. And I do serve not only on  
6 CalEPA's CEJAC Committee, but I also serve on the ARB  
7 Environmental Justice Advisory Working Group that it has.

8           What I'd like to do is offer just a few brief  
9 observations and comments for your consideration. First I  
10 would note that this community has come before CEJAC for  
11 more than three years asking for additional consideration  
12 and resolution of its concerns. And I have to tell you  
13 based on my experience in southern California, where we've  
14 worked cooperatively with several of the CalEPA agencies,  
15 when we've had some concerns raised to us that don't  
16 frankly rise to the level of issues and concerns here,  
17 we've sprung into action and we've done so very quickly.  
18 And I think these folks deserve more of an answer than  
19 they've received to date based on my more than 25 years of  
20 professional experience and some very specific experience  
21 working with the CalEPA agencies. And let me just quickly  
22 give you a couple of examples.

23           I've worked with CalEPA on issues of site  
24 contamination where a school, Jefferson Intermediate  
25 Middle School, was built over an industrial site. And

1 there were community concerns about vapor intrusion  
2 potentially into the buildings and exposure in the  
3 playground areas. And I can tell you that our agencies  
4 quickly went out, responded with sampling and provided  
5 information to the community.

6 I can also share with you, a matter of a couple  
7 years ago when issues were raised regarding Beverly Hills  
8 High School and an oil well located next door to it, that  
9 again our agencies sprung into action, took samples,  
10 provided information to the community.

11 I have to tell you that I am concerned here that  
12 inadequate sampling has been done, at least on the  
13 information that's been provided to me. When the CARB  
14 staff mentioned I think just a few moments ago 5 samples  
15 in the latest sampling at this site relative to inside the  
16 buildings versus 70 at another site and 280 at yet another  
17 study site of CARB, one has to ask whether statistically  
18 there was an appropriate number of samples taken here.

19 And, again, we are as an agency, like the CARB  
20 staff, experienced in doing these types of samples.

21 I can also share with you that we had an incident  
22 earlier this year in southern California where a facility  
23 had an upset cause flow of contamination beneath the  
24 surface streets where we most definitely found in cracks,  
25 in parking structures on the bottom floor vapor levels

1 coming forward at a high level. So the point of  
2 mentioning that is that you can have hit and miss when  
3 you're doing this type of sampling, and that you can have  
4 something the nature of a crack and that can lead to  
5 potentially very significant exposures.

6           The DTSC staff just presented to you a slide that  
7 said VOCs rarely encountered in crude oil. I have to tell  
8 you that I strongly, strongly disagree. Crude oil is made  
9 of hydrocarbons, many of which are volatile. And in fact  
10 in our local clean air programs under both the federal and  
11 state clean air acts, we regulate activities related to  
12 crude oil. Oil wells are regulated by us because of  
13 concerns over VOC emissions. Oil storage tanks are  
14 regulated by us because of concerns over VOC emissions.

15           And it's my understanding that it isn't just  
16 issues potentially dealing with crude oil contamination at  
17 the site. But as mentioned by several of the other  
18 witnesses earlier this evening, there is the potential  
19 that other hydrocarbon-based solvents had been used at the  
20 site and would provide additional contamination potential  
21 at the location.

22           It's also a little strange to me that -- as I  
23 understand it, the June 2000 sampling indicated a strong  
24 matrix interaction with the sampling analysis that  
25 indicated a hydrocarbon presence in many of the samplings.

1 So if the hydrocarbons are there and crude oil doesn't  
2 give off VOCs, why did it interfere in your own samples?  
3 That's again intuitively not logical and frankly doesn't  
4 match my understanding of the science.

5 I also wanted to comment potentially on the need  
6 for, in my view, epidemiological analysis and study of the  
7 past and present residents of the community. And I can  
8 tell you again from my experience in southern California  
9 where we have community concerns expressed that don't  
10 frankly raise to this level, there have been such studies.  
11 Again Beverly Hills High School comes to mind. And I  
12 could also point out another example where we had a lead  
13 battery recycling plant where the community was concerned  
14 about lead exposure and, in fact, there was an  
15 epidemiological study done of the children in the  
16 surrounding area.

17 And I think when we consider that these community  
18 members are living on top of a contaminated site, because  
19 that's what we've all heard and agreed to, that -- and  
20 you've heard that there have been some limited studies  
21 that give some inference of potential impact to the health  
22 of the community -- and I'm sure you will hear from the  
23 community members themselves about health impacts -- it  
24 seems reasonable that there be an analysis of that so that  
25 that issue can be put to rest.

1           There was also a suggestion earlier about mobile  
2 health care potentially for the community. And I want to  
3 share with you this evening that in fact our agency is  
4 involved in mobile health care, not only for asthma, but  
5 for other respiratory disease and general health care;  
6 that we recently have funded that sort of activity through  
7 penalty monies received at the agency from penalties  
8 assessed against violators of air pollution rules. And I  
9 would very much encourage CalEPA to evaluate an ability to  
10 pursue that sort of benefit, if you will, for the  
11 community. And, in fact, our agency in years past has  
12 worked with the Legislature to help secure funding for  
13 asthma vans for communities, so I think there's a  
14 potential there.

15           I hope you will take a deep breath and really  
16 look at this situation; ask yourself whether you would  
17 live there; ask yourself if you were offered an  
18 opportunity to move from one part of a toxic site to  
19 another part of a toxic site, whether that's an option you  
20 would take and whether that's a real way to address the  
21 concerns that are expressed here; ask yourself about the  
22 type of work that's being done at other sites where the  
23 work is more aggressive, brings more data to the problem,  
24 and allows for a better resolution; ask yourselves about  
25 the fact these folks have been coming for over three years

1 to talk to the CEJAC and staff, and we have a very limited  
2 report, no additional air sampling. And if you're going  
3 to sample, I would also disagree that you just sample the  
4 soil and not indoors. I would do both. And I think to do  
5 it appropriately, that is the only way that it could  
6 appropriately be done.

7 And with that I'll conclude my comments and offer  
8 our assistance to CalePA in this matter in any way that we  
9 can provide either technical expertise from our experience  
10 or, to the degree we might have sampling gear that you  
11 could borrow if you had a shortage of sampling gear, we  
12 would certainly be happy to help in that way as well.

13 CALEPA SECRETARY ADAMS: Thank you very much,  
14 Barry.

15 Any questions or comments for Barry?

16 Okay. At this time I want to ask the court  
17 reporter, are you okay? Do you need a break?

18 THE REPORTER: I don't know. How much longer do  
19 you expect to go?

20 CALEPA SECRETARY ADAMS: I'm not sure. Perhaps  
21 an hour.

22 THE REPORTER: Yeah, maybe a break would be nice.

23 CALEPA SECRETARY ADAMS: Okay. We're going to  
24 take like a two-minute break and that's it. I'm not even  
25 going anywhere.

1 (Thereupon a recess was taken.)

2 CALEPA SECRETARY ADAMS: Okay, folks, can we get  
3 started again please.

4 I've lost my committee.

5 Okay. I'd like to call on LaDonna Williams  
6 please.

7 Jeanine, you have a video?

8 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

9 Yeah, she knew which order they were in and what  
10 we wanted to run. Is she gone?

11 CALEPA SECRETARY ADAMS: Do you want to start  
12 your testimony first or --

13 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I  
14 guess we could go ahead and start it, and then we'll show  
15 the video.

16 CALEPA SECRETARY ADAMS: Okay. And I appreciate  
17 you waiting all this time. This is a very important  
18 issue. I thought it was important to hear all the  
19 testimony of the state agencies and public agencies that  
20 are involved in this issue.

21 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

22 Okay. So should I wait till some of the other  
23 people return?

24 CALEPA SECRETARY ADAMS: They are on their way  
25 back in right now.

1           Let's see. Director -- we're missing Tam,  
2 Mary-Ann.

3           Would you like to go ahead?

4           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

5           Should I start?

6           Okay. Well, good afternoon. My name is LaDonna  
7 Williams. My organization, People for Children's Health  
8 and Environmental Justice. It is a community-based  
9 organization founded out of Midway Village. I'm a former  
10 resident -- former ten-year resident of Midway Village.  
11 And I want to thank you all for the opportunity to come  
12 here. I appreciate, Ms. Adams, that you put this meeting  
13 together finally and got this very long delayed awaited  
14 report out.

15           What we want to do, we want to show you a video  
16 of Midway Village for those of you that are not familiar  
17 with Midway. And we've had to sit through hours of  
18 presentation. So we hope that you bear with us in sitting  
19 through and just kind of getting a picture of it. She's  
20 going to be breaking in between. But this is giving you a  
21 view of what Midway is like, and then I can go into a  
22 presentation.

23           CALEPA SECRETARY ADAMS: Okay. Thank you.

24           (Thereupon a video was played.)

25           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS: I

1 did want to point out -- I don't know how long that's  
2 going to last. But that fencing all the way -- where the  
3 children are, there's that six-foot berm which is a fence  
4 that's separating the berm and the site from the  
5 residents' units.

6 And there's children from the local school  
7 playing on the park. We spoke with the teachers. They  
8 are all totally unaware of the hazardous conditions that  
9 exist in Midway.

10 And directly in back -- I don't know if this is  
11 going to show it, but there is a child care center also  
12 where there is very young children on the site.

13 And this is also the area where they claim the  
14 highest contaminated levels. However, they -- as it's  
15 been brought out, they've only tested 10 percent -- less  
16 than 10 percent. Excuse me.

17 That's the child care center right there where  
18 the children were playing in front of it.

19 Malinda, will the sound come on when the  
20 residents are talking?

21 CALEPA EXECUTIVE ASSISTANT DUMISANI: It should.

22 CALEPA SECRETARY ADAMS: I hope so. I'm not a  
23 technician, but I hope so.

24 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

25 That's the playground right next to the child

1 care center. And there's the other building of the main  
2 child care center. The other part I think is the  
3 extension.

4 So the sound isn't on?

5 Directly behind her, those plants that you see is  
6 Ms. Anderson's unit. All of those plants are fake plants.  
7 What's significant about that is down around her  
8 baseboards and under her floor grows plants from the toxic  
9 dirt underneath her unit.

10 Technical difficulties?

11 CALEPA EXECUTIVE ASSISTANT DUMISANI: Do you want  
12 to show the pictures?

13 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

14 Well, the pictures at this point -- well, the  
15 mold will do some good. But you needed to hear their  
16 comments. This is mold on Martin Court, one of the units  
17 in the areas that's they claim there's no contamination,  
18 where they've just come in and painted over it as a  
19 remedy.

20 And this is around the baseboards. This is one  
21 of the children there that displays the sores and the  
22 rashes on her body. And you're going to see her mom. She  
23 didn't want to show her chest and her stomach, which is  
24 understandable. But you'll see her mother. And her  
25 mother is commenting. So I guess when they fix the sound,

1 you'll hear it.

2 Is it possible to back it up, Malinda?

3 (Thereupon a video was played.)

4 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

5 Could you rewind it back to where Irma was

6 talking? I think they missed that part of it.

7 (Thereupon a video was played.)

8 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

9 Okay. We have another one we were trying to cut  
10 and break it over there so that we could shorten it.

11 CALEPA SECRETARY ADAMS: LaDonna, while we're  
12 waiting I'd like to ask if these -- the holes in the wall  
13 that we saw in the film here, were those reported to the  
14 Housing Authority?

15 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

16 Yeah, they've recently moved her from that unit  
17 once, you know, they've known we'd been working on this  
18 issue and waiting for the report. My understanding is a  
19 couple of weeks ago they had a mold truck out there and  
20 they've moved the woman finally from that unit to another  
21 area within Midway.

22 (Thereupon a video was played.)

23 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

24 Now, here is the area of the playground where the  
25 kids were playing. That gray thing with the -- looked

1 like pipe going across it is the six-foot berm, that  
2 notably in the reports all list that there is still  
3 contamination. They just capped that berm.

4           That fence right there is the apartment units.  
5 And I believe -- when did they do that ditching? In 2001,  
6 2002 is when they finally dug the ditch. But prior to all  
7 of that, that grass and the dirt would just go straight  
8 into the units -- or the back yards. And you open your  
9 fence and right there you're on the park. So I guess  
10 that's the area where they decided to dig two feet of soil  
11 or whatever amount of soil in those areas and then cap  
12 them over with cement in the back and in the front.

13           That's the child care center right there.

14           The prior picture you didn't see the children  
15 actually playing within the area there. But they're right  
16 there. What only separates them, as we've said, is a  
17 fence.

18           That's kind of giving you an aerial view looking  
19 down on the site. It doesn't clearly show you how large  
20 PG&E is and how it encompasses and surrounds Midway  
21 Village. But that area is very large. And then you see  
22 the housing to the left side. And then coming up towards  
23 the playground area on the other side is further housing.  
24 And that's the area that they didn't bother to do any  
25 testing, but they've just said the site is, you know, not

1 contaminated.

2           The video -- okay. That's Irma's house. That's  
3 why I wanted to note the other leaves that are hanging  
4 over there, it's not like seeds could have dropped down  
5 and replanted themselves. All of those plants are fake.  
6 So they, you know, could not grow. But she at one point  
7 mentioned before they did the foundation under she was  
8 getting the leaves growing through a lot all over. After  
9 they did it -- this is after the supposed cleanup had been  
10 done. And even currently today when you go to her house,  
11 you'll see like a five, six foot piece of plants that is  
12 able to grow in. So when these reports reflect that  
13 there's no route of exposure, that residents are not  
14 exposed in any way, this totally contradicts it.

15           CALEPA SECRETARY ADAMS: And was this also  
16 reported to the Housing Authority?

17           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

18           Reported to the Housing Authority and DTSC and  
19 all of the agencies. As a matter of fact, we've given a  
20 copy of this to CalePA. They have a copy of the disk.  
21 And so throughout the report you're going to also notice,  
22 and they've made testimony, the available data or the lack  
23 of data. Well, the reason for the lack of data -- and we  
24 didn't -- for the sake of time we won't scroll through it,  
25 but you have copies of it. And this is from agencies that

1 confirm that Midway Village files were ordered destroyed.  
2 So with them ordering those files destroyed -- and it is  
3 official, we got it from DTSC -- of course there were  
4 going to be huge gaps in data and lack of available data.

5 Malinda, we wanted to show Maria's unit with the  
6 cracks and the area that sits directly to the berm.

7 Huh?

8 OPR DEPUTY DIRECTOR FILLMORE: She said she can't  
9 get it to work.

10 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

11 Was that the disk that you were trying to run and  
12 copy, it won't play?

13 CALEPA EXECUTIVE ASSISTANT DUMISANI: It says  
14 it's corrupted.

15 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

16 Isn't that convenient.

17 CALEPA SECRETARY ADAMS: So, LaDonna, can you go  
18 ahead with your testimony while she's --

19 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

20 Yeah, we can.

21 CALEPA SECRETARY ADAMS: Okay.

22 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

23 Maybe also -- because I think it's very important  
24 for you to see these cracks. Can you get my laptop -- is  
25 my laptop still over there?

1 CALEPA EXECUTIVE ASSISTANT DUMISANI: Yeah.

2 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

3 Okay. Could you play it on there and then let at least  
4 the Committee be able to see it? It's very important  
5 because it shows cracks in one of the units. Maria's  
6 here, so she'll testify to that. But it shows cracks in  
7 her patio leading up into her home. She's got cracks in  
8 her living room floor. She too has --

9 CALEPA SECRETARY ADAMS: Were those reported to  
10 the Housing Authority?

11 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

12 Yes.

13 And the point being made that we've heard  
14 testimony after testimony that there is no route of  
15 exposure, that this report, you know, says that there's no  
16 significant health risk and things like that.

17 And what I want to do -- I mean it's very hard to  
18 summarize all of the things that you hear. But I want to  
19 start off by saying, you made the comment, Mr. Fillmore --  
20 and I appreciate that -- what the Governor's office is  
21 attempting to do as far as, you know, eliminating toxics  
22 and providing a toxic free or, you know, healthy  
23 environment for everyone. But what keeps failing here is  
24 the low income communities and especially those of color.

25 And time and time again, as Ms. Wallerstein and

1 the others have, you know, made the statements that we've  
2 come before the Committee for three years. But actually  
3 we've been dealing with DTSC for at least 13 to 14  
4 years -- or maybe 16, isn't it? -- yeah, attempting to  
5 address this issue. And, you know, we've heard comments  
6 of, you know, model public participation here and how  
7 they've turned things over for Oakland, you know. And  
8 that's all commendable. Obviously there's some new  
9 thinking going on and new ways of doing things. And  
10 that's the way it should be, if that in fact is really  
11 happening.

12 But I would ask that community people who were  
13 involved in this process be here, and you all at the table  
14 ask them how well this process is and how much of a  
15 success it is. Because that has not been our experiences  
16 at all with DTSC or any of these agencies who are tasked  
17 with the job of protecting public health.

18 And I want to point to a couple of things. You  
19 know, call it dramatics, call it what you will. But you  
20 know what, we're at the point where it's been desperate  
21 for us all. You look at today being September 11th and  
22 that being symbolic of devastation and people losing their  
23 lives. You could imagine what it was like for the  
24 Louisiana communities back then, what happened with them;  
25 and how because of lack of protective measures and actions

1 and agencies, both federal and state, to take those issues  
2 seriously, we have this devastating, catastrophic disaster  
3 that has happened to this state; who, it's no secret, a  
4 large community of African Americans, which their  
5 actions -- their lack of actions led to that disaster that  
6 could have possibly been prevented had agencies come  
7 together and realized they should have taken those  
8 concerns of the inadequate levee system seriously, you  
9 know.

10           And it sounds so nice to hear how, you know,  
11 agencies are stepping up and they're doing, you know,  
12 these supposedly collaborations with the communities. But  
13 the reality is that's not happening. Let me say this:  
14 It's not happening in the communities that I know that are  
15 of color. That is not happening.

16           And we hate to come before you with this  
17 attitude. I think this is -- she did get it going?

18           This is Maria Lawrence. She's in the audience  
19 here, so she's going to be making a comment. But this is  
20 her unit -- if we can get the sound going -- right next to  
21 the berm. And she's pointing out the big cracks in her  
22 patio.

23           It's kind of dark to see. She can explain it  
24 better. But it's leading up into her unit. And in her  
25 unit there's also cracks in the floor and in the...

1 (Thereupon a video was played.)

2 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

3 Okay. And we've had -- we've got even more  
4 footage of other apartments.

5 A lot of the residents asked us not to show them  
6 or to mention their names because they've been retaliated  
7 against by Housing Authority.

8 We've got one in the audience that have also lost  
9 their home. They've been threatened with eviction.  
10 They've been harassed. And they are afraid to step up and  
11 come forward for fear of their housing, because they have  
12 spoken out about this contamination issue.

13 So this -- you know, these are courageous  
14 residents that are coming before you. And they're just  
15 standing their ground on this. But there's many other  
16 stories being told like that at Midway.

17 I also understand there was a lady in the  
18 audience -- and I apologize, because my neck is all  
19 knotted up -- but she approached one of the residents and  
20 said she had gotten a letter from the resident association  
21 who said -- you want to repeat what she said to her.

22 MS. TANNER: She said that she had got a letter  
23 from one of the resident -- my name is Mary Tanner, and a  
24 resident of 30 years in Midway Village.

25 And one of the -- a thing from DTSC said that she

1 had got a letter from one of the -- from the Midway  
2 Resident Association and said that no one had told them  
3 about the Midway condition over there and that no one had  
4 authorization to handle anything over there.

5 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

6 The person she's pointing to is Estella Cirilo,  
7 who is the resident president of Midway Village.

8 But the conflict that we feel exists there is  
9 that she's also a Housing Authority employee. So she's  
10 one of Mr. Bay's employees. So that, you know, serves --  
11 to me it discourages a lot of the residents also from  
12 coming forward because, you know, you have this employee  
13 of the Housing Authority who has -- went on record and  
14 said she will not address any environmental issues out  
15 there at Midway Village.

16 And so now that we've got these things on the  
17 table, I guess that's who she was referring to. But,  
18 again, there's that conflict.

19 I want to get back to the statement that I made  
20 about Louisiana and California. And the significance of  
21 that is, throughout the report it talks about they took  
22 actions that was consistent with Agency guidelines and  
23 requirements. But I thought Agency was to protect the  
24 health of the public, which means to me that regardless of  
25 if there was a consistent decision that they made within

1 particular communities on particular issues, for instance,  
2 a contaminated site, not listing them on a national  
3 priorities list. That has happened in Louisiana in '93,  
4 the same year that it's happened -- or '83, the same years  
5 that it's happened in Midway, that Agency, both federal  
6 and state in these states, have consistently made these  
7 lack of protective actions and decisions on behalf of  
8 these communities of color. It appears to me that those  
9 of you that are tasked with the job of protecting our  
10 communities would look beyond what they've consistently  
11 done. If it's killing our people in our communities, it  
12 seems to me that somebody with all this experience would  
13 stop and say, "Hey, wait a minute. We've made this  
14 decision. And even though it's being made statewide and  
15 nationwide, it's killing people."

16           And that's why I brought up the whole levee  
17 issue. They knew for years that there was a problem  
18 there. And what actions did they take? None, until these  
19 people, as we keep seeing over and over and over again,  
20 have lost their lives and everything that they've had.

21           Same thing at Midway. Many of us have lost our  
22 family members. I've lost mine. My kids are raised  
23 without grandparents due to the fact that they thought  
24 they were helping me grow a garden. You're going to hear  
25 Maria talk about her and her family's devastation. The

1 same things that have went -- you keep hearing it over and  
2 over and over again.

3           And then we come here and we hear Mr. Bay sit up  
4 here and tell you -- and I'll be blunt -- a bunch of lies.  
5 That's why I interrupted and asked you, "Please ask him  
6 how many people took advantage of this relocation." It  
7 was one. She was in stage 4 of cancer. They attempted to  
8 do a relocation, held one meeting with us, and promised to  
9 work with us, them as well as ATSDR -- we'll get to them  
10 later -- and DHS, Department of Health Services -- we'll  
11 also get to them too -- they all came to the table. We  
12 thought we were working with them and DTSC and the health  
13 agencies in coming to a solution with the community.

14           What happened was they at the last minute, after  
15 this meeting promising relocation and working with the  
16 community, they then began to eliminate them. If you had  
17 been late on your rent, you didn't qualify. If you had a  
18 discrepancy or some kind of -- yeah, an issue with Housing  
19 Authority in anyway, you were disqualified. I mean they  
20 picked many reasons to eliminate these residents from  
21 being able to relocate. And what it turned out to be was  
22 one resident ended up being relocated.

23           But what they did do is they went to HUD and they  
24 got emergency housing relocation funds. And then they  
25 turned around and used that money and built another low

1 income housing unit over there, that he spoke about, in  
2 Brisbane by the cemetery, which has also got contamination  
3 issues, pesticides and other things going on over there.

4           So, you know, we raised these issues. And it's  
5 very hard to come behind hours and hours of testimony and  
6 try to dispute it. So I'm not going to try to dispute  
7 each and every item, but other than to say you got Housing  
8 Authority here presenting some untruths. There was not  
9 all of these issues on the table. If they were, they did  
10 not communicate them to the residents. My guess is now  
11 that they're put on the hot seat -- and we don't have HUD  
12 here to, you know, discuss this either -- but now they've  
13 come up with all of these supposed options that were  
14 available to the residents.

15           And I would hope you guys were ready to fall off  
16 your chairs when he said he's making the option available  
17 for people to move from one toxic part of the area to the  
18 other toxic part of the area. That's ridiculous. I mean  
19 even to sit here and be able to say that, you guys ought  
20 to be outraged at Housing Authority.

21           You know, we look at DTSC and the available data  
22 that was put together, they failed to talk about the  
23 available data all originated from PG&E. That the other  
24 documents that were destroyed, of course we have no idea  
25 what's in them because they ordered them destroyed. And

1 we -- this isn't us throwing it out there. We have  
2 documentation. But because we don't have the funding,  
3 well, we're not able to index our files. But we're  
4 working on that now so that we can present this evidence  
5 to you.

6           Within this report that we were promised back in  
7 February, and they said, oh, it would be a couple of  
8 weeks, couple weeks turned to a month, month turned to  
9 whatever it is -- February until now till we finally got  
10 this report. And what I wanted to point out in here was a  
11 couple of things. And I appreciate Wilma coming --  
12 working on this issue. Mr. Shankar, you know, you doing  
13 what you could within such a restricted process to really  
14 do, you know, what you could. I appreciate the efforts,  
15 whomever has been working on this. The Committee, Mr.  
16 Wallerstein. So if I leave anyone out, I apologize. But  
17 just trying to get straight to the point on these issues.

18           Look at the review that was set out here. And  
19 when we turn to No. 2, it says -- at the top of the page  
20 it talks about -- actually I think we've have to go to page  
21 1.

22           Okay. At the bottom it talks about OEHHA  
23 reviewing more than 30 background documents. I want to  
24 note again that all of these documents originated from  
25 PG&E, and agency billed off for those documents. Up until

1 that point there was no outside interviewers or assessors  
2 or analyzers.

3           And it says, "While non-volatile PAHs at  
4 concentration levels above the target cleanup goal still  
5 remain in the subsurface soil as well as the soil beneath  
6 the residents and pavement, the opportunity for exposure  
7 to these contaminants have been substantially reduced, and  
8 eliminated in many cases." I think you can see from the  
9 videos that there is still exposure pathway that goes  
10 along with, I believe it was page number 21, where they  
11 admitted at that point anyway that there is exposure  
12 pathways. I think Mr. Val Siebal just said that they were  
13 going to be changing something in the report to reflect  
14 otherwise. But, you know, again that's indicative of the  
15 kind of treatment and the things we've received from these  
16 agencies.

17           I mean it doesn't take a rocket scientist to  
18 figure out people are living on a contaminated superfund  
19 site. We passed out some handouts, and it was from ATSDR.  
20 I won't go into detail on it, but it lists all of the  
21 toxic chemicals that are on the NPL list, and all of them  
22 are present at Midway.

23           We pointed out the naphthalene and the PAHs in  
24 here or the VOCs because when you go to the second page at  
25 the top, it says -- well, starting on page 1 at the

1 bottom, "Health risk associated with several other classes  
2 of potential contaminants -- PCBs, phenol, cyanide -- also  
3 appeared to be non-significant, either because the  
4 opportunities for exposure have been substantially reduced  
5 or because the concentrations detected in soil are very  
6 low." Says who? That -- we don't trust the test in the  
7 levels. Although they have admitted some higher levels,  
8 but we believe that they have manipulated the test to fit  
9 what they want.

10 "Health risks associated with exposure to  
11 volatile PAHs and VOCs have not been shown to be  
12 significant. But this conclusion cannot be verified  
13 because the data available for these compounds are  
14 insufficient."

15 I mean you look at what ATSDR says and CDC says  
16 as far as these exposures and what they can do. They  
17 cause cancers, they cause death. I mean their comments  
18 here really is just amazing that these are scientists  
19 and --

20 CALEPA SECRETARY ADAMS: I'm sorry, LaDonna.  
21 What document are you reading from?

22 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

23 I'm reading the OEHHA report.

24 CALEPA SECRETARY ADAMS: Okay. What page are you  
25 on?

1           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

2           Page 2. And it's at the top of the paragraph.

3           So that the statement there contradicts ATSDR and  
4 CDC's toxic profile information that they have available.

5           And, again, that second paragraph, I've touched  
6 on that where it says that their remedial actions taken at  
7 Midway were consistent with federal and state guidelines.  
8 Even though they were consistent, they weren't protective  
9 of the community's health. We see that time and time  
10 again.

11           And it talks about -- Barbara Lee had touched on  
12 the differences, and I believe it was Mr. Wallerstein  
13 also, and the differences of why certain actions within  
14 the state were taken that were more protective on other  
15 sites than at midway. Again, black community -- largely  
16 black and Hispanic community of color, low income. And  
17 correction. The average rent there isn't 4 or 500. From  
18 the residents I've spoken with, their rents are between  
19 800 and a thousand. So they are paying significant low  
20 income rent if you consider it low income. I know many  
21 mortgages here, they may be a couple of thousand. But a  
22 lot of you pay under a thousand dollars for your homes  
23 that you own.

24           Turn to page 7. And I noticed on the front of  
25 the index -- this is still the review of the 2001

1 investigative cleanup. When you look at the table of  
2 contents here, it, you know, listed a couple of pointers  
3 that you, you know, just go straight to so that you could  
4 easily get there. But they talked about -- I apologize, I  
5 don't remember the person's name -- but she talked about  
6 the very low levels of detection of chemicals found. But  
7 what's significant in the second paragraph here under the  
8 Indoor Environmental Inspection Report, it talks about,  
9 "In each of the five residential units" -- because they  
10 only tested five. But out of the five that they did test,  
11 "the gas-fired furnace was operated during the sampling  
12 period. An operating furnace produced a stack effect,  
13 creating relatively negative air pressure indoors and  
14 drawing contaminants in from the outside, including the  
15 VOCs present in soil beneath the structure."

16           It talks about at the bottom, "In nine  
17 investigations carried out over the 15 years, more than  
18 800 soil samples taken." Again, there was -- other than  
19 when Subra Company got involved in this, all of these  
20 reports and samples were PG&E and agency's higher  
21 consultants. Midway of course did not have the money.  
22 Being a low income community of color, we tried to form a  
23 community-based organization to get funding. We were up  
24 against a brick wall on that. Trying to get money to help  
25 us hire, you know, people to come in and help us do health

1 assessments, further testing, we were unable to do that.

2           We trusted Agency again, Department of Health  
3 Services and ATSDR, CDC, to come in and help the community  
4 with health issues. And we once again got duped on that.  
5 They did the same thing Housing Authority did, released  
6 this erroneous report, nice report put together, saying  
7 that they have offered Midway Village health testing and  
8 health services. And they had even set up a clinic for  
9 Midway Village at UCSF, which is a specialized hospital in  
10 San Francisco. And this clinic was specifically for  
11 Midway Village and their health issues. Total lie. But  
12 they put it out there.

13           CALEPA SECRETARY ADAMS: Are you referring to  
14 Department of Health Services?

15           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

16           I'm referring to ATSDR, Agency for Toxic  
17 Substance Disease Registry, with CDC. They worked with  
18 us. And --

19           CALEPA SECRETARY ADAMS: The Fed?

20           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

21 Well, yeah, I guess so. Because Department of Health  
22 Services was supposed to engage. But they sort of sat on  
23 the side and kind of watched what was going on.

24           And so they mention that this specialized clinic  
25 for Midway Village only was established and set up. And

1 it's ironic, they used the same excuse. They said not a  
2 single solitary resident was interested. Well, the  
3 residents didn't know that it existed. So we did some  
4 investigation, because of course we wanted, you know, to  
5 begin to address the health issues. As you've heard from  
6 the reports with the abnormal blood and chromosome and the  
7 testings going on with both the adults and the children,  
8 we knew we needed these health things addressed. And when  
9 we call ourselves trying to work with them -- for how many  
10 years, four, was it? -- We thought we were working within  
11 the process. And then they released this nice report that  
12 says there's no problem using again PG&E and Agency's data  
13 concluding that there were no health risks.

14           We did further investigation and found out that  
15 this health clinic, not only did it not exist, but the  
16 doctors that they said headed the clinic were actually  
17 PG&E's hired witnesses against the community when we  
18 attempted to litigate it back in the early nineties.

19           So these are the kind of things that have  
20 continually went on within this process.

21           Getting back to Mr. Fillmore's -- and I'm going  
22 to end it here so that the others can get a chance to say  
23 something.

24           CALEPA SECRETARY ADAMS: LaDonna, I'd like you to  
25 state your specific request tonight.

1           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

2           Okay. Well, my request is of the IWG and the  
3   CalePA. And, that is, that you support Midway Village in  
4   being relocated, not to another area within Midway Village  
5   and still continuing this route of exposure. But for  
6   Housing Authority and HUD to come to the table with PG&E.  
7   We've spoken and met with Mr. Robert Harris, who has said  
8   they are sitting by willing and waiting to do what is  
9   right by Midway Village, but they have to work within the  
10  agencies. We're asking that you look at this data, you  
11  see the issues -- you know what? Can we hold up. We  
12  forgot the map, because they said you guys could only do  
13  blue tape. The white tape will mess up the walls. So we  
14  wanted to -- if you guys could possibly. There's the map  
15  of the community.

16           We're asking that this committee recommend and  
17  support relocation. Not further cleanup, not further  
18  testing. Or we should say you can do that, but relocate  
19  the residents while they do that so that there is no  
20  further exposure going on of other residents, who they  
21  would gladly move in these spots. And then there's other  
22  exposure issues that will come up.

23           We're asking that Housing Authority not be  
24  allowed for the sake of money in exchange for the  
25  residents' lives and continued health threats, that you

1 support the residents in being relocated off of this toxic  
2 site that's contaminated with over 350 toxic life  
3 threatening hazardous chemicals.

4 CALEPA SECRETARY ADAMS: And we heard the offer  
5 of the Housing Authority. So we expect that they will  
6 follow through.

7 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
8 Yeah, and then when we hear you don't tell them  
9 how to do, we understand that they -- their excuse prior  
10 to all this was that you all have never said that there is  
11 a problem or there is a route of exposure. Basically  
12 everything's hunky-dory is basically the approach they've  
13 taken.

14 CALEPA SECRETARY ADAMS: No, we've heard your  
15 request that the relocation not be within Midway Village.

16 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
17 Definitely not within --

18 CALEPA SECRETARY ADAMS: We don't want to close  
19 that option for anyone in Midway who wants to stay there.  
20 But we hear your request.

21 ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:  
22 Can I comment on that?

23 From what I've talked with the residents and what  
24 they've said is, for those that want to stay, that's their  
25 option if that's what they want. We're attempting to work

1 with those that want to get off-site. And there is  
2 funding available for homeownership, there's a funding  
3 available for low income, those things that he did not  
4 cover.

5           So we want to be sure that they're not still  
6 controlling the lives of the residents which they've  
7 affected in the past from being able to become  
8 self-sufficient.

9           MS. TANNER: Oh, hi. My name is Mary.

10          CALEPA SECRETARY ADAMS: Hi, Mary.

11          MS. TANNER: Along with LaDonna's remark, I would  
12 like to add to the stack effect.

13          I live in Daly City, which is a coal area. We  
14 have like fog, so I need heat. So because of the VOCs  
15 coming through the air vents, I can't cut my heat on,  
16 because if I do, I get congested and I cannot breathe.  
17 And so I don't have heat anymore.

18          And also my grandson was born over there. He's  
19 over there with his mother. And she don't want to come up  
20 to say anything because she's too emotional to talk about  
21 it.

22          But he's blind with one of the chemicals that we  
23 live on. And it's on his doctor's report. And so they  
24 was -- Housing Authority evicted them with a blind child.  
25 They don't have anywhere to go, and it's very emotional.

1           And also this has affected his mother's life.

2   And I appreciate if you all would do the right thing about  
3   us, please, because we can't take anymore.

4           And also I'm affected with my grandson too  
5   because I have to help out, and I'm really not able to do  
6   it.

7           And I thank you so much for letting me say what I  
8   needed to say.

9           And also Mr. Dwayne Bay, he did not tell the  
10   truth. And I wish he would just be honest about  
11   everything, because he know we need to get from over  
12   there.

13           Thank you so much.

14           CALEPA SECRETARY ADAMS: Thank you, Mary.

15           MS. ANDERSON: My name is Irma Anderson and I am  
16   a resident of Midway Village. I've been there for about  
17   26 years. And I'm really not going to go into my  
18   illnesses, because I'm sure you heard it over and over  
19   again many times before.

20           But I will say that it looked like to me that  
21   people's jobs are more important than human life. And I  
22   would like to say to Mr. Bay that -- shame on him, you  
23   know, for getting up and just telling lies about Midway  
24   and about the residents. That stuff he said is not true.  
25   I've been there for 26 years, and it is not true.

1           But nevertheless, you know, I -- of course I'm  
2 ill, you know. And we are tired of being sick. We really  
3 are. You know, we're human beings. We're not rats to be  
4 experimented on. You know, I want to move on with my  
5 life, you know. I don't know when I'm going to die. I  
6 don't want to die in Midway Village, you know. I just --  
7 my doctor told me to get off of the site, you know. But  
8 I'm unable to do that because I'm sick.

9           You know, she doesn't burn her heater, I don't  
10 burn my heater, because we cannot breathe. You know,  
11 there's mold at Midway, you know, like you saw on the  
12 film. There's apartments on Schwerin Street that has  
13 sewage coming up through the kitchen sink. You know, it's  
14 bad over there.

15           And I would like to say to Dwayne Bay that I'm  
16 going to go to the manager in the office and ask that they  
17 set up a hospitality unit for him to come to live in for  
18 one week at Midway. And then you tell me how you feel.

19           MS. DOWNING: Hi. My name is Maria Downing. I  
20 know you are probably tired of seeing me and talking about  
21 my illnesses. That's why I'm not going to go into them  
22 anymore.

23           I'm just really disappointed in all of the  
24 agencies that are supposed to be protecting us, as Mr.  
25 Dwayne Bay brought out that his job is the safety of the

1 residents of Midway Village. Well, we heard all of the  
2 testimony and all of the facts. We are not safe where  
3 we're living. And so all we're appealing is to all of our  
4 government agencies to do their job to protect us as  
5 they're supposed to and to relocate us.

6           We do not want to be moved from one area to  
7 another, because I was offered that too, to move from  
8 where I'm living, because I live right next to PG&E right  
9 next to the berm, and I was offered to move up where she  
10 lives. Now, she's as sick as I am. We both can't  
11 breathe. We have an excessive amount of mucous. We wake  
12 up coughing. My daughter wakes up coughing blood. She  
13 can't breathe. She faints because she can't breathe. The  
14 doctors don't know -- they say it's not asthma. They  
15 can't understand -- they don't understand what the heck  
16 she has. They're perplexed. I said, well, could it  
17 be that we live on top of -- under -- you know, on top of  
18 350 chemicals? They don't feel competent, you know, to  
19 speculate on that.

20           But the fact is we're all damaged. My other  
21 daughter, who's also going to testify, she has two  
22 children, that unfortunately she has passed the poor  
23 health that she has to these two kids. One was diagnosed  
24 with vitiligo and some horrible skin disorder. And the  
25 other one has -- they're all -- we're all full of yeast or

1 an enormous amount of mucous. And we don't understand  
2 why. It's because our immune systems aren't working  
3 right.

4           So these children now also are a legacy of damage  
5 because of our being exposed deliberately to these toxin.

6           And so we're just appealing to your moral,  
7 ethical, whatever heart to not allow us to continue to  
8 live like this just because we're poor and we're of a  
9 different race and we're not white. We deserve to live in  
10 a clean environment. And maybe the little time that we  
11 have left, can we live it in a place where we can at least  
12 breathe, because we can't breathe anymore, we wake up  
13 choking?

14           And so if we -- and so Mr. Dwayne hasn't lived on  
15 there. He doesn't live everyday and doesn't wake up  
16 everyday breathing VOCs, knowing that you're on top of all  
17 of this stuff, knowing that you are unable to move  
18 yourself from there because you're so sick you don't know  
19 whether tomorrow you are going to get out of bed.

20           So we've just -- we're just -- I'm just  
21 disappointed that it's taken all this time to get to this  
22 point. But if somebody can help us, we would really  
23 appreciate it.

24           And thank you very much.

25           CALEPA SECRETARY ADAMS: Thank you, Maria.

1           ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

2           Maria, will you explain to them the map of the  
3 units and the areas that we have done of Midway and  
4 pointing out that illnesses and the suicides that has  
5 happened.

6           MS. DOWNING: I'm not really good with maps,  
7 LaDonna, not really. Maybe Irma.

8           Yeah, I'm not good with maps. And my sense of  
9 direction is really bad. And that's probably -- I mean my  
10 mind is really affected with all of the toxins, where I  
11 can't really -- I wouldn't do it right.

12          MS. TANNER: May I say something, Linda, that I  
13 forgot to mention.

14          We also have insomnia. Sometimes I don't sleep  
15 at night. So the next day I'm not able to carry on my  
16 activities that I need to do because I didn't get no sleep  
17 because I can't breath. And I'm scared to go to sleep  
18 when everything in my nose just closes up. I'm scared to  
19 go to sleep because I'm scared I may not wake up. So I'm  
20 there all night long trying to breathe. I mean it's  
21 ridiculous.

22          Thank you, Linda.

23          CALEPA SECRETARY ADAMS: Thank you.

24          ALTERNATE ADVISORY COMMITTEE MEMBER WILLIAMS:

25          The area on the map on the left side, that's the

1 area where Maria's unit is. The map doesn't reflect the  
2 fencing on it. But you can see -- if you could pull it  
3 down a little bit, Irma. That's all PG&E that encompasses  
4 the whole left side, and it surrounds Midway sort of like  
5 a half moon.

6 But noted in there we have noted the illnesses.  
7 And the illnesses are prevalent throughout the whole site,  
8 not just in that area that's less than 10 percent  
9 remediated.

10 But we also wanted to highlight -- when they  
11 talked about the neurological, Mr. Bay kept pointing to  
12 perceptions, in a few people's perceptions. That map  
13 shows -- that's proof that it's not perceptions, it's  
14 reality. People are sick, they're dying.

15 And I want to note that something that's been  
16 really -- not really talked about a lot. And that is the  
17 deaths that have occurred at that top building there. It  
18 sits -- they share the area with the child care center.  
19 That is the employees' offices there. They've had several  
20 employees who have died. They've got a former manager  
21 whose children were born with birth defects.

22 And noted in this report -- and I was looking for  
23 it, but I'm tired, it's late. But in there it notes that  
24 some of the higher levels that they admitted to were found  
25 where? Directly in that Housing Authority office. So I

1 want Mr. Bay to go back and talk to his employees about  
2 the health risks that they are facing. But they've got  
3 evidence of that too that's not talked about, the deaths,  
4 the amount of deaths that have occurred there at Midway,  
5 but within the Housing Authority itself, their employees.

6           And the suicides, please don't overlook that.  
7 There has been noted, my understanding is, 22 suicides  
8 from the time that we had checked, which was in the early  
9 nineties, about ninety -- '94 up until 2002 within the  
10 areas. And the police department told us, well, what they  
11 couldn't confirm were addresses. They could only confirm  
12 that it's in the areas. And those things were happening  
13 all around us that we have given prior testimony to also.  
14 So we have evidence. It's not perception. It's real.

15           CALEPA SECRETARY ADAMS: Okay. Could we have  
16 just a little testimony please.

17           MR. LAWRENCE: Hi. My name is Aaron Lawrence. I  
18 live at 23 Cypress Lane. I've lived there going on 24  
19 years. My 24th birthday is Thursday, the 14th.

20           So what I'm here to do right now is just express  
21 that for 24 years I've basically been living on that  
22 toxic -- the toxic waste. Over those 24 years I've also  
23 had a lot of different symptoms and effects of those --  
24 the waste and how it's affected us. But really it's  
25 just -- as they say, it's perceptive of living there. But

1 they've never lived there, people saying that. So they  
2 can never deal with -- like myself, my symptoms that I  
3 keep having is -- to this day, I've had -- just for no  
4 reason my nose will start bleeding just out of nowhere.  
5 And it's not just a little bit. It's hemorrhaging. It's  
6 something to where I've gone to the doctor plenty of times  
7 and nothing's happened. They cauterize it. It just keeps  
8 happening. It doesn't matter.

9 But really it's just -- we need to just get out  
10 of this place, because I don't -- it's just hard to just  
11 deal with all this. It's just really, really hard.  
12 Seeing my mom sick everyday and my sister fainting, in all  
13 places, the shower, just because, just out of nowhere. No  
14 one knows what's going on with her. She just faints.

15 So it's just -- I just want to speak for my  
16 family and say that we really just need to get out of  
17 there. For everybody. Everybody that's sick there needs  
18 to get out.

19 CALEPA SECRETARY ADAMS: Okay. Thank you.

20 Aaron, is Christa your mom?

21 MR. LAWRENCE: Maria's my mom. Christa's my  
22 sister.

23 CALEPA SECRETARY ADAMS: Okay. Did Christa want  
24 to say something?

25 And then we have I think three other people

1 wishing to speak.

2 MS. LAWRENCE: Hi. My name is Christa Lawrence,  
3 and I've been living at Midway Village -- I was born  
4 there, so I'm going on almost 20 years of living there.

5 I felt that it's really important to be hear  
6 today because, as my brother was saying, I have severe  
7 like illnesses that the doctors cannot explain and I  
8 cannot explain. I have breathing problems, but my lungs  
9 are clear on x-rays. I have -- I have shortness of breath  
10 but I don't know why. As he said, I've been fainting. I  
11 fainted in the shower numerous times, I fainted other  
12 places numerous times, over no reason. I have no -- I  
13 just don't know why.

14 If I scratch myself, I will get welts for no  
15 reason. That's been going on since before I can remember.  
16 I've just always had welt problems if I've scratched  
17 myself.

18 There's -- when we were little we used to play in  
19 the dirt that was uncovered while they were doing  
20 construction. And that was exposing us to the toxins that  
21 have been causing us these problems that we do not know  
22 why.

23 See, like right there, I cannot catch my breath  
24 for no apparent reason. I just can't catch it.

25 And we've had -- all of us -- my brother and my

1 sisters, we all experience digestive problems. We cannot  
2 digest certain foods because it's hard for us to digest  
3 them. Not because of any other reason but because we're  
4 living on these contaminants that are causing our systems  
5 to be worse than we should be. We're all in our -- I'm  
6 19, my brother and my sister are in their twenties. We  
7 should not have these problems right now.

8           So there's -- and recently I've been waking up  
9 for no apparent reason coughing up blood. And I'm not  
10 sick. So why should I be coughing up blood at 19?

11 There's no reason than being exposed to these toxins.

12           We need to get out of here so that maybe I will  
13 be able to breathe correctly the way that I should without  
14 having to catch my breath at every two minutes. I want to  
15 be able to breathe like a normal person without having --  
16 and going to the doctors and having numerous x-rays, and  
17 they can't find anything on my lungs, nothing.

18           So if we could have all the support that we can  
19 have to get us out of there, maybe I could be able to have  
20 a normal way of breathing and hopefully finish school.

21           CALEPA SECRETARY ADAMS: Thank you for being  
22 here, Christa.

23           We have LaVonne Stone and Meghan Lopez.

24           If you're here, why don't you just come on up,  
25 both of you together. And anyone else -- I don't -- this

1 is all the cards we have.

2 So if there's anyone else that would like to  
3 speak, please come on up.

4 MS. STONE: You'll have to excuse me. I'm about  
5 to pass out. It's been a long day. And this is a very  
6 important meeting. It sounds like a hearing to me. And I  
7 think we'll understand what it was all about.

8 Oh, I'm sorry. My name is LaVonne Stone and I'm  
9 the Executive Director of the Fort Ord Environmental  
10 Justice Network.

11 And it was really amazing to me to hear similar  
12 stories about what's happening all across the State of  
13 California and other places in the world. Our site, even  
14 though it's a superfund site, an NPL site, the polluters  
15 are different but the -- all of the things that are  
16 happening are about the same.

17 And I hope that if there is a relocation, that  
18 the people who are being polluted are not asked for credit  
19 checks before they are moved, because in most of these  
20 communities the economic base is also very damaged, which  
21 means that there is no way to really make a living to get  
22 yourself out of a situation that you're not responsible  
23 for. And so that would be a double slap in the face.

24 We're experiencing -- of course the VOCs that  
25 everybody is talking about is the volatile organic

1 chemicals. Living on a landfill or near a landfill, which  
2 is where we are also, we're dealing with methane gases.  
3 And we happen to have a technical expert who prepared a  
4 summary of the landfill gases and all of the different  
5 chemicals that can affect people. And some of them are  
6 acetone, acrolein, benzene. Benzene is a chemical that  
7 was used to clean a lot of soldiers' uniforms or clothing  
8 and all of that that have been buried at the site. And  
9 these chemicals come up through the ground, just like what  
10 was said here tonight.

11           There were buildings, dozens of buildings where  
12 this stuff was coming up through the floor. And they said  
13 plants was growing out of the ceiling, so they burned out  
14 a number of buildings. We have people who are blowing  
15 their noses and getting dust and black dirt out of their  
16 noses. And just like everybody is saying here tonight --  
17 I'm not crying it. I'm stayed here, because I really  
18 thought it was important that I say something, because  
19 we're experiencing the same things. I mean we're dealing  
20 with some massive pollution all across this country.

21           Now, if any of you saw the 911 report -- I heard  
22 LaDonna refer to that too -- the firefighters who were  
23 there -- the firefighters who were there were saying, "Now  
24 we're sick. We have cancers. We have bad respiratory  
25 illnesses and other illnesses because, what happened?"

1 They told us the air was safe to breathe." Now, why would  
2 anybody do that to another human being. And you can see  
3 what is happening to them.

4           You know, communities shouldn't have to compete  
5 for your -- for any agency's help. But we find that we're  
6 doing that. And it's very unfortunate. It's very  
7 unfortunate. We're trying to help ourselves. We're  
8 trying to ask for the tools, the resources that we need to  
9 help ourselves. We find ourselves in positions of low  
10 life people because we are willing to do the work, we are  
11 willing to get you information. We are the experts. I  
12 have testified at numerous hearings even in low income  
13 communities where they wanted to put power plants out --  
14 in our place they wanted to put a power plant. I went and  
15 I testified before the board of supervisors.

16           Environmental justice is an executive order that  
17 was written by the President to protect people like us.  
18 Hawaii was made a state by an executive order. Don't you  
19 think that's really terrific. We got a whole state by an  
20 executive order. Environmental justice has been put in a  
21 hole and buried. And you are damned if you say something  
22 about it and damned if you don't.

23           It's almost like, you know, "Oh, you're talking  
24 about people of color, you're talking about black people  
25 and all that?" Yes, we are. We're talking about the

1 people who have been suffering for years and can no longer  
2 put up with it, who are not as dumb as people think they  
3 are, who need help, who need medical help. We've asked  
4 for clinics. We've asked for ways that we could take on  
5 loads -- I mean we've already taken on loads of work. But  
6 we're still asking for more because we know -- we're  
7 hearing these stories, we're seeing the people that we  
8 live with everyday, even ourselves. I don't talk about  
9 me. But it's the same thing. When I hear about nose  
10 bleeds, my husband, myself, our neighbors, their eyes, the  
11 coughing -- we're waking up coughing and that kind of  
12 stuff. We're all experiencing that.

13           It's not something that people are saying because  
14 they are trying to get money. Oh, God, come on. The  
15 cities get the money. The cities get the money. They let  
16 the developers come in and build these million dollar  
17 houses, run the people out at their own expense so they  
18 won't have anywhere to stay, they won't -- and if they say  
19 something, oh, you can bet you're not going to get a job,  
20 you're not going to be able to make a living. This is  
21 what is happening, folks. It's an ugly picture, but it is  
22 true, it is very true. And something has to be done.  
23 People shouldn't have to live like this. This is America.  
24 This is our country. This is where people have the right  
25 to speak up and the right to make their situations better.

1 That's all we're asking.

2           So if we all rally around these same problems,  
3 shouldn't we be able to accomplish something? Why should  
4 I have to be in my community a crazy person or, you know,  
5 pushed aside somewhere because I am willing to do this  
6 work and other people are willing to do this work? Nobody  
7 want to hear about the harassment, the intimidation.  
8 Nobody want to hear about the policeman stopping you on  
9 the street because some city councilperson has told them  
10 to do so.

11           Nobody wants to hear it, but it's true and it's  
12 happening. It's happening in 2006. And enough is enough.

13           And I really thank you for listening to me. And  
14 I have to drive a long way to get back to Marina. But I  
15 thought it was very necessary.

16           Oh, and before I go -- I'm sorry, honey. I  
17 just -- I have a letter here from a Howard Straus, who's  
18 the President of the Cancer Wellness Institute. He came  
19 to an event that we had. He lives in Carmel where they  
20 have lots of money. But he did not know how he was going  
21 to be touched by this. His daughter went to school at the  
22 university that they built on Fort Ord, which is as big as  
23 the City of San Francisco. Superfund contaminated site on  
24 the National Priorities List.

25           He said:

1           "Dear Ms. Stone: In reference to  
2           our conversation this morning, I would  
3           like to provide you with this  
4           information. My step-daughter, Sarah  
5           Elizabeth Hanley, attended California  
6           State University, Monterey Bay, from  
7           Fall of '99 until January 2005 majoring  
8           in Teledramatic Arts and Technology.  
9           During all but her first year of  
10          university she lived on campus, most of  
11          the time in a student apartment on  
12          Trenton Court.

13                 "During most of her time at CSUMB  
14          Sarah experienced diffuse but constant  
15          health problems, elements that caused us  
16          all thousands of dollars in health care.  
17          Nothing could ever be localized as a  
18          cause of the problems, but she suffered  
19          terribly for years. Sarah is not a  
20          whiner and has a high threshold of pain.  
21          So we didn't even hear about it unless  
22          the problems got intolerable.

23                 "About six months ago through our  
24          professional contact I learned about the  
25          terrible and pervasive toxic waste

1           plumes underlying much of Fort Ord and  
2           Marina, and I undertook to match the  
3           match with student housing. I was  
4           shocked and dismayed to find that the  
5           student apartments on Trini Court set  
6           right on top of a large carbon  
7           tetrachloride plume.

8                 "Suddenly our Sarah's unexplained  
9           health problems became suspicious. This  
10          impression was intensified when I spoke  
11          with Sarah, and has since moved to Los  
12          Angeles. And she told me that as long  
13          as she was in her student apartment she  
14          was nauseous. At least twice a week now  
15          she is in Los Angeles, surely not the  
16          cleanest environment available, but she  
17          never gets nauseous."

18          This is very serious stuff. It was sent to a  
19   newspapers through the president at the university, sent  
20   to me, I sent it to DTSC, sent it to ATSDR, sent it to the  
21   U.S. EPA. And when we have our burns that the air  
22   district says burn the vegetation causes carbon -- what do  
23   you call that stuff? -- dioxin -- creates dioxin, not even  
24   burning the munitions and the -- gel that they use to  
25   spread the fires. We're dealing with some major stuff. I

1 didn't ask for this. I always wanted to be a doctor. But  
2 I never -- I think it would be easier to be a doctor than  
3 to be in the position that I'm in right now.

4           So I'm going to say it again. I really  
5 appreciate you all listening to me. And I'm going to go  
6 back down there to that place. And I really appreciate  
7 all that I've heard tonight. And I know what these people  
8 are going through. The not sleeping, all of the stuff, it  
9 is true, every bit of it.

10           Thank you.

11           CALEPA SECRETARY ADAMS: LaVonne, thank you very  
12 much.

13           MS. STONE: Who was that?

14           CALEPA SECRETARY ADAMS: That was me.

15           (Laughter.)

16           CALEPA SECRETARY ADAMS: Thank you for taking the  
17 time to come up, LaVonne. We appreciate it very much.

18 And no one's calling you any names. And you have  
19 legitimate concerns and we appreciate you taking the time  
20 to come up.

21           And this must be Meghan. So sorry you had to  
22 wait so long, Meghan.

23           MS. LOPEZ: That's okay.

24           My name is Meghan Lawrence Lopez. And I've lived  
25 in Midway Village for 20 years. And I lived there for 20

1 years and I moved when I found out I was pregnant with my  
2 first son.

3           And I was born there and unnecessarily exposed to  
4 poisons which have damaged my health. I suffer from skin,  
5 digestive and immune system problems, and that creates  
6 excess yeast in my intestines. And I've also been  
7 diagnosed with cancer cells on my uterus. I think I was  
8 19 or 20 when I was diagnosed with cancer on my uterus.  
9 And so ever since they've diagnosed me with the cancer on  
10 the uterus I have to be monitored every four months to  
11 make sure that it's not growing, it's getting better, or  
12 it stays the same.

13           I've also passed on my poor health of my immune  
14 system problems to my two children. My oldest boy, he's  
15 two and a half, he was diagnosed with candida. It's an  
16 immune system problem that he has too much yeast.

17           He also has been diagnosed with vitiligo. And he  
18 has spots all over his body -- white spots all over his  
19 body, and it's just -- that's worsening.

20           My smallest boy has an excess of yeast. He's  
21 only four months old, and he has an excess of yeast  
22 throughout his whole body, and digestive problems also.

23           And me and my kids, we're always sick. We always  
24 have something going on with either me or them. We really  
25 just want some help to get out of this place. I moved two

1 years ago from there while I was pregnant because I didn't  
2 want my son to be exposed to that. Since I moved, my mom  
3 watched him for about ten months. And that's when we  
4 discovered that he started getting the spots all over his  
5 body. And then I took him to a dermatologist. Two  
6 dermatologists have said that he has vitiligo.

7 My smaller son has intestinal problems also where  
8 the yeast is just too much, that he gets it all down his  
9 throat and he can't breathe or drink his milk or anything.

10 So basically what I want to accomplish here is to  
11 get everybody who's sick out of Midway Village, like my  
12 brother and my sister had said and everybody else too, get  
13 everybody out, because I don't think that it's a safe  
14 place for anybody to live. It's just contaminated.  
15 Nobody can breathe there. When I go there to visit my mom  
16 I start getting breathing problems. I get -- when I  
17 scratch myself I get hives or welts. When it's cold I get  
18 welts and hives all over my body. And it's just so  
19 uncomfortable to live in.

20 So I just really want some help to get them out  
21 of there and everybody else to be compensated for their  
22 suffering.

23 CALEPA SECRETARY ADAMS: Thank you for being  
24 here, Meghan.

25 I appreciate everyone taking the time to come up.

1           Is there any further comments?

2           OPR DEPUTY DIRECTOR FILLMORE: I had a quick  
3 question for Meghan.

4           Meghan, you said you moved out of Midway?

5           MS. LOPEZ: Yeah, two years ago when I was sick  
6 and pregnant.

7           OPR DEPUTY DIRECTOR FILLMORE: Did you have to  
8 initiate that process on your own or was there an  
9 assistance process in relocating you?

10          MS. LOPEZ: No, I just moved. It was on my own,  
11 because I didn't want my son to get sick.

12          OPR DEPUTY DIRECTOR FILLMORE: All right. Thank  
13 you.

14          CALEPA SECRETARY ADAMS: Okay. If there are no  
15 further comments, if the working group members have any  
16 comments, I am prepared to make some requests.

17          OPR DEPUTY DIRECTOR FILLMORE: I have just a  
18 quick comment. I'm not pretending to know a ton of  
19 answers here. But I did want to thank everybody for  
20 coming down. I know it was a long drive. And also I know  
21 there are a lot of children and young adults in the  
22 audience and wanted to thank all the parents and all the  
23 children for being such well behaved children and dealing  
24 patiently with something that probably is not top on their  
25 list of entertaining activities on a Monday afternoon and

1 now evening and night. So thank you again so much for  
2 being here.

3 CALEPA SECRETARY ADAMS: Thank you, John, for  
4 those comments. Absolutely, I appreciate -- we appreciate  
5 everyone's time. And everyone was very gracious in their  
6 comments.

7 And it's very clear there's two very big issues  
8 before us right now. And one of course has to do with  
9 testing. I heard DTSC say that they have a five-year  
10 review coming up next year. My request to Director Gorsen  
11 is to please speed up that review and pay special  
12 attention to the issues raised in the OEHHA report and by  
13 the review panel, and come back to me in 30 days with what  
14 measures you recommend with regard to any additional  
15 testing that you feel may be required or necessary.

16 And then the other -- of course the other big  
17 issue is relocation. We heard that the authority has some  
18 offers open. It seems like there's been some maybe  
19 miscommunication and some problems with regards to  
20 relocation. And I would ask my deputy, Shankar, to work  
21 with the Housing Authority and with HUD on proceeding with  
22 those relocation efforts.

23 And, again, I thank you all for your time this  
24 evening.

25 Thank you very much.

1           (Thereupon the California Environmental  
2           Protection Agency, Interagency Working  
3           Group on Environmental Justice meeting  
4           adjourned at 8:50 p.m.)

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## 1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing California Environmental Protection Agency,  
7 Interagency Working Group on Environmental Justice meeting  
8 was reported in shorthand by me, James F. Peters, a  
9 Certified Shorthand Reporter of the State of California,  
10 and thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said meeting nor in any  
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 1st Day of March, 2005.

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23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

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